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T H E
S P E E C H E S
OF
JOHN WILKES,

One of the Knights of the Shire for the
C O U N T Y O F M I D D L E S E X ,
In the Parliament appointed to meet at
Westminster the 29th day of November 1774, to the
Prorogation the 6th day of June 1777.

With notes by the Editor.

VOL. 1.

L O N D O N :

1777.



ADVERTISEMENT.

I Have collected the *Speeches* of Mr. Wilkes in the present House of Commons from newspapers and *oral tradition* for two reasons. The first is, they contain, in my opinion, many bold truths, especially respecting *America*, which are of importance, and in this convenient form they will be found more useful. The other reason is, if that gentleman should ever swerve from the great line of public duty, and declared attachment to the people, which he has often pledged himself to pursue through life, the most general infamy may overtake him, and punish his apostacy.

The *Protests* of the Lords on the same subject with some of the *Speeches* I thought would be acceptable to the political reader.

Some *Notes* are added, chiefly by way of illustration, for which I am answerable.

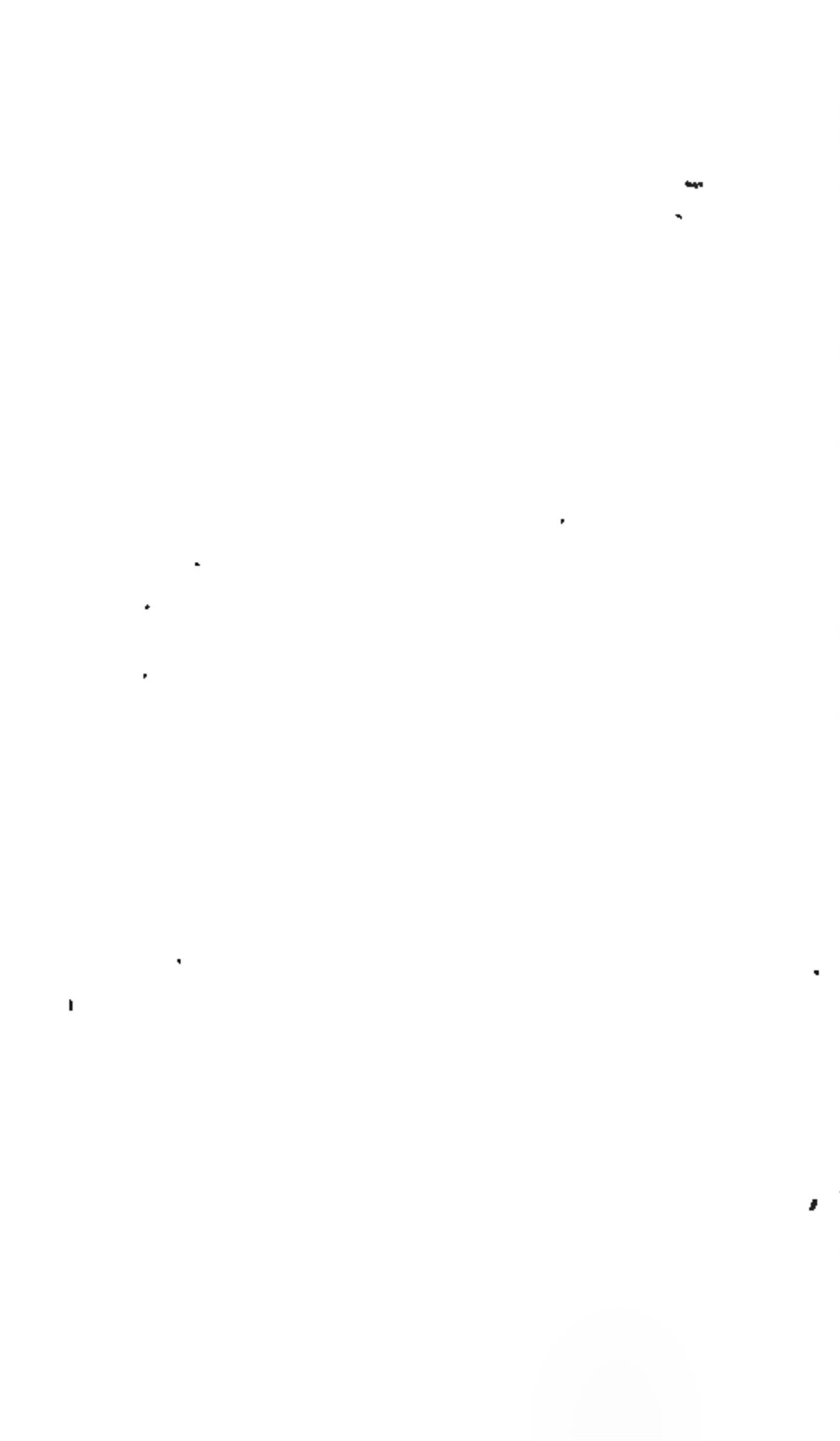
THE EDITOR.

London, July 9, 1777.

VOL. I.

B

VOTES



VOTES of January 26, 1775.

A motion was made, and the question being proposed, “ That the Chaplain to this House do preach before this House, at St. Margaret’s, Westminster, upon Monday next the thirteenth day of this instant January, &c.”

THE Lord Mayor, *Mr. Wilkes*, said, that he was for the observance of the day, not in the usual manner by fasting and prayer to deprecate the pretended wrath of heaven, but in a very different way from what some other gentlemen had proposed; that it should be celebrated as a festival, as a day of triumph, not kept as a fast; that the death of the first Charles, a determined enemy of the liberties of his country, who made war on his people, and murdered many thousands of his innocent subjects, an odious, hypocritical tyrant, who was,

in the great * Milton's words, *ipso Nerone neronior,* should be considered as a sacrifice to the public justice of the nation, as highly approved by heaven, and ought to be had in solemn remembrance as the most glorious deed ever done in this, or any country, without which we should at this hour have had no constitution, degenerated into the most abject slaves on the face of the earth, not governed by the known and equal laws of a *limited* monarchy, but subject to the imperious will of an arbitrary sovereign.

VOTES of Feb. 1, 1775.

A motion was made, and the question being put,
 " That leave be given to bring in a bill for
 " shortening the duration of parliaments,
 &c."

The Lord Mayor, *Mr. Wilkes*, said, that
 the question now before the house had been so
 fre-

* In another place Milton says, *Eam animi magnitudinem vobis, ô cives, injectit Deus, ut devictum armis vestris et dedititium regem *judicio inclito* judicare, et condemnatum punire, primi mortalium non dubitaretis. Post hoc facinus tam illustre nihil humile aut angustum, nihil non magnum atque excelsum, et cogitare et facere debetis... amore libertatis, justitiae, honestatis, patriæ denique caritate accensos, *tyrannum punisse.**

Joannis Miltoni, Angli, pro populo
 Anglicano defensio.

frequently and so ably spoken to by the honourable gentleman*, who made the motion, and that it was in general so perfectly well understood, that he should trouble the house with few words on that occasion, and that he rose chiefly to return the worthy member thanks for this truly patriotic endeavour, and noble perseverance in a business of such importance. He added, Frequent Parliaments, Mr. Speaker, are the ancient constitution of England, and the right of the people to them arises from the nature of all delegated power, and the necessity of a controul. If a representative in the first session of a parliament acts contrary to the duty of the trust reposed in him, is it fit that his constituents should be compelled to wait till the end of a tedious period of seven years before they can have an opportunity of depriving him of a power, which he so early abused? I think the case now mentioned actually exists in the very dawn of this new parliament. Several gentlemen have talked of the last parliament in the terms of reproach and indignation, which that profligate assembly most justly merited. I fear, sir, the present parliament are treading in

* Mr. Alderman Sarebridge, Member for London.

the same steps, which conducted their immediate predecessors to the utter hatred of the nation. They seem to advance with giant strides to a like detestation from this age, and from all posterity. The people without doors, especially in the *capital*, make no scruple to affirm that the majority of this house have even thus early, in one great instance, acted contrary to the plain duty, which they owe to their country, and to the sacred trust reposed in them. I allude, sir, to the contempt shewn of the Petition† of so respectable a body as the *Mercantile* of the city of *London* trading to *North America*. This the majority have done in defiance of all decency, and of the great principles of the constitution. I am sorry to observe, that the alarm is already become general, that from this

early

† The second petition of the Merchants, Traders, and others of the City of London, presented by Mr. Alderman Hayley, Member for London, to the House of Commons, Jan. 26, 1775, states, "that by the resolution to which the house hath come, respecting the reference of their said petition, [the first Petition of Jan. 23, 1775,] they are absolutely precluded from the benefit of such a hearing, in support of their said petition, as can alone procure them that relief, which the importance and present deplorable state of their trade require."

early abuse of their trust, the delegated powers, which the same men have so lately received for the security and preservation of the rights of their constituents, will be employed through a course of the next seven years for their destruction, and that of our fellow-subjects in America, unless the excellent motion of the honourable gentleman should arrest them in their career.

A new argument, sir, in favour of the motion in your hand seems at this time to arise from the nature of most of the *Petitions* complaining of undue elections, which have been presented to us in this first session of the parliament. The general complaint is that of bribery and corruption. Short parliaments, sir, if they did not totally eradicate this most pernicious practice, must necessarily diminish the evil in no small degree. By the frequent return of appeals to the people, the public money in the minister's hands would not be found always adequate to the crooked counsels of an infidious court, nor to a determined purpose of regularly countering the wishes of a nation. The floodgates of the treasury, however widely opened, would on such repeated occasions

scarcely afford torrents copious and impetuous enough to carry away all sense of duty to the constitution, all regard to the laws and liberties of the country. If this house were elected for a * *short term* only, a commerce of corruption between the minister and the representative could not grow up to acquire the strength and consistency, which is given by a period of seven years security and independency on the power, by which we were created.

I beg

* The House of Commons---was considered as a controul, issuing immediately from the people, and *speedily* to be resolved into the mass from whence it arose.

Thoughts on the cause of the present discontents,
2vo edition, page 66.

If the persons to whom the trust of government is committed hold their places for *short terms*; if they are chosen by the unabashed voices of a majority of the state, and subject to their instructions; liberty will be enjoyed in its highest degree. But if they are chosen for *long terms* by a part only of the state; and if during that term they are subject to no controul from their constituents; the very idea of liberty will be lost, and the power of chusing representatives becomes nothing but a power, lodged in a few, to chuse at certain periods, a body of *masters* for themselves and for the rest of the community.

Dr. Price's observations on Civil Liberty,
fifth edition, p. 50.

I beg the indulgence of the house, sir, for only one more short observation. This motion strikes me as a kind of parliamentary test, which brings every thing home to our consciences. It cannot fail of meeting in this house the support of all the true friends of the ancient constitution of England, of all, who mean to act honestly, for they run no risque. They are sure of the applause, and free choice of their constituents, on every fresh appeal. The venal and interested ; all, who think lightly of their ties and obligations to their masters, and do not hold themselves bound to hear and redress the injuries of the nation they represent, but are regardless of the feelings † of the

† The virtue, spirit and essence of a House of Commons consists in its being the express image of the feelings of the nation. [not of 558 gentlemen met in St. Stephen's Chapel.]

Thoughts on the cause of the present Discontents, p. 67.

Many in all ages, and sometimes the whole body of the Commons, have refused to give their opinion in some cases, till they had consulted with those that sent them : the houses have been often adjourned to give them time to do it ; and if this were done more frequently, or that the towns, cities, and counties, had on some occasions given *instructions* to their deputies,

matters

the people, intent only on the public plunder; all these have their terrors, and certainly not ill-grounded, on the first suggestion of an appeal to their constituents. From such men only an opposition to this motion is to be expected. The representative, who is conscious of having merited well of his constituents, will always rejoice at the opportunity of applying for frequent proofs of their regard and trust, will desire, will earnestly solicit, this appeal, while the man, who has acted contrary to the clear dictates of his duty, and betrayed his trust, will naturally dread every such occasion, will tremble even at the distant view of the spirited indignation, with which he would be rejected. A guilty mind, sir, frequently braves the silent reproaches of a wounded conscience, but can seldom bear up against that public contempt and infamy, which I trust will always pursue parliamentary prostitution.

VOTES

matters would probably have gone better in parliament than they have often done.

Algernon Sydney, 4to ed. of 1763, p. 424.

Votes of Feb. 6. 1775.

Resolved, That it is the opinion of this Committee, " That an humble *Address* be presented to His Majesty, to return His " Majesty our most humble thanks, for having " been graciously pleased to communicate to " this House, the several papers relating to the " present state of the *British Colonies in America*, " which, by His Majesty's commands, have " been laid before this House, and from which, " after taking them into our most serious con- " sideration, we find, that a part of His Ma- " jesty's subjects in the province of the *Massa- chuset's Bay* have proceeded so far to resist " the authority of the supreme legislature, that " a *rebellion* at this time actually exists with- " in the said province—that we beg leave, " in the most solemn manner, to assure His " Majesty, that it is our fixed resolution, at " the hazard of our lives and properties, to " stand by His Majesty, against all *rebellious* " attempts, in the maintenance of the just " rights of His Majesty and the Two Houses " of Parliament."

And

And a motion was made, and the question put, "That the said resolution be re-committed."

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

The business before the House, in its full extent respecting the *British Colonies in America*, is of as great importance as was ever debated in parliament. It comprehends almost every question relative to the common rights of mankind, almost every question of policy and legislation. I do not mean to enter into so vast, so well-trodden a field. I will confine myself to the immediate business of this day. The *Address* now reported from the committee of the whole House appears to me unfounded, rash, and sanguinary. It draws the sword unjustly against America; but before administration are suffered to plunge the nation into the horrors of a civil war, before they are permitted to force Englishmen to sheathe their swords in the bowels of their fellow-subjects, I hope this House will seriously weigh the original ground and cause of this unhappy dispute, and in time reflect whether

justice

*justice** is on our side, and gives a sanction to the intended hostile proceedings. The assumed right of *taxation without the consent of the subject* is plainly the primary cause of the present quarrel. Have we then, Sir, any right to tax the Americans? *That* is the great important question. The fundamental laws of human nature, and the principles of the English constitution, are equally repugnant to the claim. The very idea of *property* excludes the right of another's taking any thing from me without my consent, otherwise I cannot call it my own. No tenure can be so precarious as the will of another. What property have I in what another person can seize at his pleasure?

* The enquiry, whether the war with the Colonies is a *just war*, will be best determined by stating the power over them, which it is the end of the war to maintain: And this cannot be better done, than in the words of an Act of Parliament, made on purpose to define it. That Act, [passed in 1766] it is well known, declares, That "this kingdom has power, " and of right ought to have power to make laws and "statutes to bind the colonies, and people of America, " *in all cases whatsoever.*"----Dreadful power indeed! I defy any one to express slavery in stronger language. It is the same with declaring, "that we have a right " to do with them what we please."

sure? If any part of my property is subject to the discretionary power of others, the whole may be so likewise. If we can tax the Americans without their consent, they have no property, nothing they can call their own with certainty, for we might by violence take the whole as well as the part. The words *liberty* and *property*, so dear to an Englishman, so pleasing in our ears, would become a cruel mockery, an insult to an American. The laws of society are professedly calculated to secure the property of each individual, of every subject of the state. This point is no less clearly determined by the great principles of that happy constitution, under which we live. All subsidies to the crown have always been considered, and expressly declared, to be grants from the Commons of the realm, free gifts from the people. Their full consent is stated in the grant.* Much has been said of

the

* The preamble of the Act passed in the year 1775, ch. 43. intitled, "An Act for granting to His Majesty a certain sum of money out of the Sinking Fund, and for applying certain monies therein mentioned for the service of the year 1775; and for further appropriating the supplies granted in this session of the par-

the Palatinate of Chester, and the Principality of Wales, and the period of their taxation ; but, sir, there is a more remarkable case in point, which alone would determine this question. If gentlemen will search the Records in the Tower, and the Chapel of the Rolls, they will find that the town of Calais in France, when it belonged to the imperial crown of this realm, was not taxed till it sent a representative to parliament. A *Thomas Fowler* actually sat and voted in this House as a burgess of the town of Calais. From that period, and not till then, was Calais taxed. The *Writ* out of Chancery, and the *Return* in the reign of Edward VI. are still extant. I faithfully gave them to the public from attested copies.*

It

"parliament," is in the following words, "We, your
 "Majesty's most dutiful and loyal subjects, the Commons
 "of Great Britain, in Parliament assembled, towards
 "raising the necessary supplies, which we have clear-
 "fully GRANTED to your Majesty in this session of par-
 "liament, have resolved to give and GRANT to your
 "Majesty the sum herein after mentioned, &c. &c."

* Rotulamentum Parlamenti de Anno Regni Regis
 Edwardi Sexti primo.

Edwardus Sextus dei gratia Angliae Francie & Hiberiae Rex, fideli defensor & intercessor Ecclesie Anglicae-

It will, I foresee, sir, be objected, Is America then to enjoy the protection of Great Britain, and to contribute nothing to the support of that parent state, which has so long afforded it safety and security, which has carefully and tenderly nursed it to this hour of its present strength and greatness? The Americans themselves have given the fullest answer to this objection.

nae & Hiberniae supremum caput, dilectis & fidelibus subiectis deputato & consilio villaे suę Calificę salutem. Quia de avisamento & assensu consilii sui pro quibusdam arduis & urgentibus negotiis, nos statum & defensionem regni nostri Angliae & ecclesiae Anglicanae concernimentibus quoddam parliamentum nostrum apud civitatem nostram Westmonasteriensem quarto die Novembris procedentis teneri ordinavimus, & ibidem cum prelatis Magnatibus & preliberis dicti regni nostri colloquium tenere & tractatum, vobis Mandamus firmiter iri jungentes quod immediate post receptionem hujus brevis nostri nominari & elegi facietis unum honorabilem & discretum inhabitantem intra villam nostram predictam ad ascendendum Burgensem pro parlamento nostro predicto pro villa predicta & Marchiis ejusdem, pro negociis in eodem parlimendo agendis juxta formam cujusdem actus in parlimendo domini Henrici nuper regis Angliae octavi, nuper patris nostri spencarissimi, apud Londonum predicto die Novembris anno regni sui vicecimo primo & exinde per diversas prorogationes usque Westmonasterium quarto die Februarii anno regni sui vicecimo septimo adjornato & tunc

jection in a manner not to be controverted, by their conduct through a long series of years, and by the most explicit declarations. Equally in words and actions, of the most unequivocal nature, they have demonstrated their love, their ardour, their strong filial piety to

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C

wards

tunc edito & postea vis, cumque ad dictos diem & locum venire facietis. Ita quod ideo Burgensis plenam & sufficientem potestatem pro se & communitate ville & Marchiarum predictarum habeat ad faciendum & consentiendum iis quae tunc ibidem de eo consilio dicti regni nostri favente Deo contigerint ordinari subter negotiis antedictis. Ita quod per defectu potestatis hujusmodi scripture, improvidam electionem Burgensis predicti dicta negotia infra non remaneant quovis modo, & cum electionem & nominationem illam sic faceretis, illas nobis in Cancellarium nostram distincte & apte sub sigillis vestris ad dictos diem & locum debite certificetis, indilat remittentes nobis hoc breve una cum returnamento nominis ejusdem Burgensis dicto brevi consuto. Teste meipso apud Westmonasterium secundo die Augusti anno regni nostri primo.

This is a true copy of the original record remaining in the chapel of the Rolls, having been examined.

HEN. ROOKS, Clerk of the Rolls.

Excellentissimo & metuendissimo domino nostro Edwardo Sexto Dei gratia Angliae Franciae & Hiberniae Regi fidei-defensori & interea supremo capiti Anglicanae & Hibernicae ecclesie. Nos vestri humiles
Major

wards the mother country. They have always appeared ready, not only to contribute towards the expences of their own government, but likewise to the wants and necessities of this state,

Major Burgenses & liberi homines communitatis Ville vestre Calisie benignissimo modo quo poterimus gratia vestre certificamus, quod virtute honorib[us] brevia vestri de summō parlamentū nuper nobis directū & deliberati cui istud returnamentum nimis est annexum, per assensum & consensum totius Comitatis ville vestre Calisie predictæ & Marchiarum ejusdem unum hominem de melioribus & discretioribus villa vestre Calisie predictæ elegi fecimus, videlicet Thomam Fowle dictum, villa vestre generosum ad assendum Burgensem ad parliamentū vestrum predictū ad diem & locum in predicto brevi vellere specificatum; qui quidem Burgensis plenum & sufficientem potestem pro se & tota comitatū ville vestre Calisie predictae & Marchiarum ejusdem habet ad faciendum & consentiendum iisque tunc & ibidem de Comitatu Consilio vestro Deo favente contigerint ordinari, probat breve villam predictam in se exigit & acquirit. In quorum premissorum testimonium nos predicti viri humiles Major Burgenses & liberi homines communitatis ville vestre Calisie predictae & Marchiarum ejusdem Sigillum. Majoritas Officii Ville vestre Calisie predictae presentibus fecimus apponi. Datum vicesimo die Octobris anno regni gratiae vestre primo.

This is a true Copy of the original record remaining in the Chapel of the Rolls, having been examined.

HEN. ROOKS, Clerk of the Rolls.

state, 'although perhaps they may not be over fond of all the proud, expensive trappings of royalty. In the two last wars with France they far exceeded the cold limit of prudence. With the most liberal hearts they cheerfully gave you nearly their all, and they fought gallantly and victoriously by your side, with equal valour, against our and their enemy, the common enemy of the liberties of Europe and America, the ambitious, faithless French, whom now we fear and abhor. Our Journals, sir, will bear witness to the grateful sense we had of the important services of our brethren in America, by the great sums we shall find voted to be repaid them for what they expended in the spirited warlike expeditions, which they carried through with equal courage and conduct. The siege and capture of Louisburgh, the various successful operations against the general foe, without the least knowledge, much less participation, on our part, are the fullest proofs of the warm affection of their hearts to this country, and of their readiness to bear more than their share of the public expence and burthen. But, sir, the whole was the gift of freemen, our fellow-subjects, who feel that they are,

who know they have a right to be, as free as ourselves. What is their language even now, at a moment when you are planning their destruction, when you are branding them with the odious appellation of *rebels*? In the late *Petition of the Congress* to the King they declare, *they are ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to his Majesty, by exerting their most strenuous efforts in granting supplies and raising forces.* This is the unanimous resolution of a *Congress*, composed of Deputies from the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New Jersey, Pennsylvania, the counties of Newcastle, Kent, and Sussex on Delaware, Maryland, Virginia and the two Carolinas. I have heard, sir, of a plan of accommodation, which I believe would reconcile all differences. But alas! sir, it does not come from any servant of the crown. It comes from the *noble Lord,

to

* The Earl of Chatham. In the house of Lords on the 39th of May 1777 Earl Gower, Lord President of the Council, with that mild, winning air of modesty

to whom this country has the most essential obligations, to whom it is so highly indebted for its *late* splendor and glory. The plan is to assemble another *Congress* in the spring, the parliament of Great Britain; and the deputies of the several colonies to meet together, jointly empowered to regulate the various quotas to be paid by each province to the general

C 3

general

despotic and sneckness, which characterise the *Bedford* school, declared, that "he must affirm, no public notice whatever by any man, or body of men, by any Assembly, or Congress, by any printed American newspaper, or pamphlet, had been taken of Lord Chatham's plan of reconciliation between Great Britain and her Colonies, that it sunk immediately into absolute oblivion, for not even a hint was thrown out on the other side the water complaining that the proposition was rejected, or acknowledging, that if the Bill had passed into a law, it would have produced a reconciliation, or that it contained even the outlines of a fit accommodation, or any thing to proceed upon, and therefore he was plainly right in giving his vote against the noble Earl's proposition, and the Bill that accompanied it, two years ago." The words were taken with great exactness. The Duke of Grafton heard them, and answered many parts of Lord Gower's speech; but, whether from ignorance, or malice to Lord Chatham, I do not determine, his Grace was silent on the plan of reconciliation.

neral treasury of the whole empire, I would in addition to that plan propose, that a regulation, similar to what actually takes place with respect to Scotland, be adopted as to America. The proportion of each colony might be settled according the land-tax in England, at one, two, or more shillings in the pound. I am not deep politician enough to know what
the

tion. To establish the *venacity* of Earl Gower, I shall produce an extract of only one public act; the Address of the General Assembly of Virginia, presented on the 14th of June 1775, to his Excellency the Right Hon. John Earl of Dunmore, Governor of Virginia, &c. &c. and printed in all the American Newspapers. It is reprinted in Almon's *American Remembrancer*, vol. 3. p. 313.

" There was, indeed, a plan of accommodation offered in parliament, which, though not entirely equal to the terms we had a right to ask, yet differed but in few points from what the General Congress had held out. Had parliament been disposed sincerely, as we are, to bring about a reconciliation, reasonable men had hoped, that by meeting us on this ground, something might have been done. Lord Chatham's Bill, on the report, and the terms of the Congress on the other, would have formed a basis for negociation; which a spirit of accommodation on both sides, might perhaps have reconciled. It came recommended, too, from one whose successful expe-

" rience

the proportion should be of each Province, which will vary greatly in half a century, but I speak of each quota being at all times to be regulated according to the land-tax of this country. The very extensive and flourishing colonies of the Massachuset's Bay, Virginia, and South Carolina, for instance, should contribute more, the smaller and poorer

C 4

colonies

"rience in the art of government should have ensured
"to it some attention from those to whom it was rea-
"dered. He had shewn to the world, that Great
"Britain, with her colonies, united firmly under a
"just and honest government, formed a power which
"might bid defiance to the most potent enemies. With
"a change of ministers, however, a total change of
"measures took place: the component parts of the
"empire have, from that moment, been falling a-
"der; and a total annihilation of its weight, in the
"political scale of the world, seems justly to be ap-
"prehended."

Oh! happy *Privy Council* of England, where *fa-
cility* and *truth* preside!

"When Earl Gower was appointed *President of the
Council*, the King, with his usual *façade*, assured
"him, that he had not had one happy moment, since
"the Duke of Bedford left him."

Junius, vol. 1 p. 172.

"Is there any one mode of thinking or acting with
"respect to *America*, which the *Duke of Grafton* has
"not successively adopted and abandoned? p. 89.

"In

colonies of New Hampshire and New Jersey less; but, sir, I insist not a shilling can be taken without their consent. After this day's debate should the *Address* now moved for be carried in this House, I greatly fear that not only this wise plan of the noble Lord, but every idea of a reconciliation between this country and her colonies will be utterly impracticable.

The Americans, sir, have of late been treated, both within doors and without, in a manner, which marks no small degree of injustice, and even a wantonness of cruelty. We have been repeatedly told to-day, that they com-

" In America, we trace you [the Duke of Grafton] from the first opposition to the Stamp-Act, on principles of convenience, to Mr. Pitt's surrender of the right; then forward to Lord Rockingham's surrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr. Townshend; and, in the last instance, from the gentle Conway's undetermined discretion, to blood and compulsion with the Duke of Bedford." P. 83.

" Was not Lord Chatham the first, who raised the Duke of Grafton to the rank and post of a Minister, and the first whom he abandoned? Did he not join with Lord Rockingham, and betray him? P. 88.

complain of the *Navigation-Ac^t*, and insist on the repeal of it. We have authentic evidence to the contrary. In the resolutions of the Congress they desire only to be put on the footing they were at the close of the late war, "as to the system of statutes and regulations;" nor among the various acts, of which they solicit the repeal, have they once mentioned either the *Navigation*, or *Declaratory Ac^t*. It has likewise been asserted, that they are froward and angry enough to wish to throw off the supremacy of the *mother country. Many express resolutions, both of the General Congress, and the different Provincial Assemblies, are the fullest evidence of the sense, which the Americans entertain of their obedience and duty to Great Britain. They are too numerous to be quoted. Their full claim, as stated by themselves, is so explicit and clear, that I beg leave to read it to the House from their *Petition to the King*. It declares, *We ask but for peace, liberty and safety*. Surely, sir, no re-

quest

* I never saw a froward child mended by whipping, and I would not have the mother country become a stepmother. Our trade with America brings in, communibus annis, two millions a year.

Lord Chesterfield's Letter of Dec. 25, 1765.

quest was ever more modest and reasonable, no claim better founded. It expressly mentions, *We wish not a diminution of the prerogative, nor do we solicit a grant of any new right in our favour.* Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain. What a contrast, sir, does this make with the proceedings of administration at home ! They are sedulously endeavouring to tear asunder those powerful ties, which have long and happily knit and bound us together.

The *Address*, sir, mentions the particular province of the Massachusset's Bay as in a state of *actual rebellion*. The other provinces are held out to our indignation as *aiding and abetting*. Many arguments have been employed by some learned gentlemen among us to involve them in all the consequences of an open, declared rebellion, and to obtain the fullest orders for our officers and troops to act against them as against rebels. Whether their present state is that of *rebellion*,* or of a fit and just

resist-

* The oath of allegiance binds no private man to more than the law directs, and has no influence upon the

resistance to unlawful acts of power; to our attempts to rob them of their property and liberties, as they imagine, I shall not declare. This I know, a successful resistance is a *revolution*, not a *rebellion*. *Rebellion* indeed appears on the back of a flying enemy, but *Revolution* flames on the breast-plate of the victorious warrior. Who can tell, Sir, whether in consequence of this day's violent and mad *Address* to His Majesty, the scabbard may not be thrown away by them as well as by us, and should success attend them, whether in a few years the *independent Americans* may not celebrate the glorious era of the revolution of 1775, as we do that of 1688? The generous efforts of our forefathers for freedom heaven crowned with success, or their noble blood had dyed our scaffolds, like that of Scottish traitors and rebels, and the period of our history, which does us the most honour, would have been

deemed

the whole body of every nation's *many* princes are known to their subjects only by the injuries, losses, and mischiefs brought upon them: --- REBELLION --- of itself is neither good nor evil, more than any other war, but is just, or unjust, according to the cause or manner of it.

Algernon Sidney, p. 416.

deemed a rebellion against the lawful authority of the prince, not a resistance authorised by all the laws of God and man, not the expulsion of a tyrant.

The policy, sir, of this measure I can no more comprehend, than I can acknowledge the justice of it. Is your force adequate to the attempt? I am satisfied it is not. What are your armies, and how are they to be kept up and recruited? Do you recollect that the single province of Massachusetts Bay has at this moment 30,000 men well trained and disciplined? Do you not know that they can bring near 90,000 men into the field? They will do it, when every thing dear to them is at stake, when they have their liberties to defend against cruel oppressors and invaders. You will not be able to conquer and keep even that single province. The *noble Lord with the blue ribband proposes only 10,000 of our troops to be there, including the four regiments now going from Ireland, and he acknowledges with great truth, that the army cannot enforce the late act of parliament. Why then is it sent? Boston indeed you may lay in ashes, or it may

be

be made a strong garrison ; but the province will be lost to you. Boston will be like Gibraltar. You will hold in the province of Massachusetts Bay, as you do in Spain, a single town, while the whole country remains in the power and possession of the enemy. Your fleets and armies may keep a few towns on the coast, for some time at least, Boston, New-York, St. Augustine, but the vast continent of America will be irrecoverably lost. A few fortresses on the coast, and some sea-ports only, will remain in your possession. All the back settlements will be independent of you, and will thrive in the rapid progression of your violences and unjust exactions on the towns. A new, and amazing *landed interest* will be created. The ancient story of the *Carthaginian bide* will be verified. Where you tread, it will be kept down ; but it will rise the more in all other parts. Where your fleets and armies are stationed, the possession will be secured, while they continue, but all the rest will be lost. In the great scale of empire, you will decline, I fear, from the decision of this day, and the Americans will rise to **independence,*

* The Declaration of *Independency* by the Representatives

pendence; to power; to all the greatness of the most renowned states, for they build on the solid basis of *general, public liberty.*

I tremble, sir, at the almost certain consequences of such an *Address*, founded in cruelty and injustice; equally contrary to the sound maxims of true policy, and to the snerring rule of natural rights. The Americans will certainly defend their property and their liberties with the spirit of freedom, with the spirit our ancestors did, and I hope we should, exert on a like occasion. They will sooner declare themselves *independent*, and risque every consequence of such a contest, than submit to the galling yoke, which administration is preparing for them. An *Address* of this sanguinary nature cannot fail of driving them to despair. They will see that you are preparing not only to draw the sword, but to burn the scabbard. In the most harsh manner you are declaring them *rebels*. Every idea of a reconciliation

representatives of the United States of America in Congress assembled was made on the 4th of July 1776, about a year and a half after this *Address* of the House of Commons.

* In Congress at Philadelphia, April 16, 1776, Resolved, That no slaves be imported into any of the United Colonies.

(by FOH)

will vanish. They will pursue the most vigorous measures in their own defence. The whole continent of North America will be dismembered from Great Britain, and the wide arch of the raised empire fall. But I hope the just vengeance of the people will overtake the authors of these pernicious counsels, and the loss of the first province to the Empire be speedily followed by the loss of the heads of those ministers, who advised these wicked and fatal measures.

Verdict of Feb. 22, 1775.

A motion was made, and the question put,
 "That the Resolution of this House of the
 17th day of February 1769; that John
 Wilkes, Esquire, having been in this session
 of Parliament expelled this House; and
 is, incapable of being elected a Member to
 serve in this present Parliament, be ex-
 punged from the Journals of this House,
 as being subversive of the rights of the
 whole body of electors of this kingdom."

The Lord Mayor, Mr. Wilkes, said,

Mr. Speaker,

The motion, which I shall have the honour
 of submitting to the House, affects, in my
 opinion,

opinion, the very vitals of this constitution, the great primary sources of the power of the people, whom we represent, and by whose authority only, delegated to us for a time, we are a part of the legislative body of this kingdom. The proceedings of the last parliament, in the business of the Middlesex elections, gave a just alarm to almost every elector in the nation. The fatal precedent then attempted to be established was considered as a direct attack on the inalienable rights of the people. Many of the most respectable bodies in this kingdom expressed their abhorrence of those arbitrary measures. They proceeded so far as to petition the crown for the dissolution of that Parliament, as having been guilty of a flagrant abuse of their trust. Above 60,000 of our fellow-subjects, freeholders of the realm, carried their complaints to the foot of the throne; a number surely deserving the highest regard, at least from a Minister, whose whole attention was not engrossed by the 6000 borough electors, who return a majority for him to this House. The people, sir, were in a ferment, which has not yet subsided. They made my cause their own, for they

they saw all the powers of government exerted against the constitution, which was wounded through my sides, and the envenomed shafts of a wicked administration pointed at our laws and liberties no less than at a hated individual. The plan was carried on for some years with a spirit of malevolence and rancour, which would have disgraced the very worst, but with a perseverance, which would have done honour to the best, cause. I do not mean, sir, to go through an irksome detail of the various persecutions and injuries, which that person suffered, I hope with a becoming fortitude. I have forgiven them. All the great powers of the state were at one time combined to pour their accumulated vengeance on me. The two Houses of Parliament chose me as the most acceptable victim, which could be sacrificed at the shrine of their court idolatry, and even *imperial Jove pointed his thunder-bolts, *rel with*

* In Junius's letter to the King of Dec. 19, 1769, it is said, "the destruction of one man [Mr. Wilkes] has been now, for many years, the sole object of your government," [not the happiness of millions, whom God had committed to his care, but the destruction of one man, whom he ought to have protected as his subject.]

Junius, vol. 2. p. 38.

uncommon wrath, at my devoted head. I was scorched, but not consumed. The broad shield of the law protected me. A generous public, and my noble friends, the freeholders of Middlesex, the ever steady friends of liberty and their country, poised hails into my wounds. They are healed so that scarcely a scar remains. But, sir, I feel, I deeply feel the wounds given to the constitution. They are still bleeding, and this House only can heal them, as well as restore the constitution to its former state of purity, health, and vigour. May I be permitted to point out the mode of cure, and the salutary methods, which I think you ought to apply? Before I proceed to the remedy, I shall beg the indulgence of the House to state the case, with precision and accuracy. I hope they will forgive a dry, but candid and short, narrative of the principal facts, because I mean to argue from them. I will give them as briefly as possible, and with all the impartiality of a bye-stander.

Mr. Wilkes was first elected for the county of Middlesex, on the 28th of March 1768. He was * expelled the 3d of February 1769, and

* In that Resolution of the House of Commons,
the

and the second time chosen, without opposition, the 16th day of the same month. On

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the

the first article in the *Aggregate Fund* of Mr. Wilkes's crimes, which were the pretended causes of his *ex-justiss and incapacity*, is the being author of the *Prefatory Remarks* on Lord Weymouth's execrable epistle, relative to the *still unexpiated massacre* in St. George's Fields on the 10th of May 1768, which the present Comptroller of His Majesty's Household, Sir William Meredith, thought a very good reason for Mr. Wilkes's *acædia*. In his pamphlet of "The Question" stated," Sir William says, "Was I a freeholder of Middlesex, so far am I from thinking, that to make the severest animadversions on such a letter, is a ground of incapacity, the more a man arraigns (what I take to be) such unconstitutional positions, the fitter he is to be entrusted with the rights of the people." p. 29. No prosecution whatever on the charge of that *insolent, scandalous, and seditious libel*, as the *Prefatory Remarks* were voted to be by both Houses of Parliament, of which Mr. Wilkes avowed himself the author, has been carried on against him in any court of law. I shall only transcribe the famous libel, and some passages relative to it, without any observations.

The *Prefatory Remarks* were,

Dec. 30, 1768.

I find you the following authentic state paper, the date of which, prior by more than three weeks to the fatal 10th of May, shews how long the horrid massacre in St. George's Fields had been planned and determined upon, before it was carried into execution, and how long a hellish project can be brooded over by some infernal spirits without one moment's remorse.

Ex-

the day following the election was vacated,
and he was declared by a majority of the
House

Extract from Mr. Wilkes's Address to the County of
Middlesex, dated from the King's Bench Prison,
Dec. 17, 1768.

I hold myself accountable to you for every action of my life, which respects the public. I desire to stand, or fall, by your free and unbiased judgment. I wish to be directed by your counsel and instruction in all matters of importance.----I take the earliest opportunity, gentlemen, of stating to you the following particulars. I caused to be printed and published in the St. James's Chronicle of December the 10th, a letter of the Secretary of State, [Lord Weymouth] written from St. James's on the 17th of April to Mr Justice Ponton, with some *Prelatory Remarks*. I avow the publication of both. I will go further, and declare, that I first, several months ago, transmitted to the press the letter of the Secretary at War [Lord Barrington] dated May the 14th, returning thanks in the King's name to the officers and soldiers of the third regiment of Guards, for the rank and foul murders committed in these fields on the 10th of that month. My hand trembled, while I copied what I blushed to read, and I gave it to the public in the only way my present situation could admit, with the hope of promoting a parliamentary enquiry into that bloody transaction, which I trust this second publication will now accomplish, and because I think this free nation has a right to be fully informed of the conduct of administration in so important a concern, as the loss of the lives of many subjects. Administration complains of me

House incapable of being elected into that Parliament. Notwithstanding this resolution

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of

me for having published the letter of the Secretary of State. I complain to the nation that such a letter has been written. This is not a letter on any personal business or pleasure. I would have scorned to have published any such. This letter was from a Secretary of State to the Chairman of the Quarter Sessions at Lambeth, and is written in characters of blood. It affects deeply the constitution of this country, and every man in our island. I will at present leave it to the honest indignation of every Englishman. I shall now only add, that if I have not given to the public a most accurate and faithful copy, I ask pardon of the Secretary of State. If I have, then I will say, that for the innocent blood of our countrymen spilt in consequence of that letter, the writer of it ought to ask forgiveness of God and his country, and pass the remainder of his life in penitence and tears.

Extract from the Journals of Feb 3, 1769, vol. 33,
page 175.

Evidence was given to the House, by two of their members in their places, that the letter printed in the said newspaper is an exact copy of the original letter addressed to, and received by Daniel Ponton, Esquire, Chairman of the Quarter Sessions at Lambeth

The Speech of Mr. Wilkes, when a prisoner, at the Bar of the House of Commons, Feb. 3, 1769.

Mr. Speaker,

I acknowledge that I transmitted to the Press the Letter of the Secretary of State, Lord Weymouth, and that

of the House, he was a third time, on the 16th of March, elected without opposition ; for I
sup-

that I wrote and published the *Prefatory Remarks* to it ;
and, sir, whatever a Secretary of State shall dare to
write so bloody a scroll, I will through life dare to
write such *Prefatory Remarks*, as well as to make my
appeal to the nation on the occasion. I ask pardon,
sir, that I made use of too mild and gentle expressions,
when I mentioned so wicked, so inhuman, so cowardly
a massacre, as that in St. George's Fields on the 20th
of May. I pledge myself to the House, that when-
ever a day shall be appointed to go into this important
inquiry, I will bring evidence here to prove the truth
of every word I have asserted. I hope the House, sir,
will send for Mr. Ponton, and examine him, whether
he did or did not receive that letter from the Secretary
of State. If he answers in the affirmative, I am sure,
from the virtue of this House, that they will immedi-
ately order an Impeachment against the Secretary to be
carried up to the Bar of the House of Peers.

Extract from the Journals of Feb. 2, 1769, vol. 32,
page 176.

Resolved, That the *Introduction* to the Copy of a
Letter, addressed to Daniel Ponton, Esquire, Chair-
man of the Quarter Sessions at Lambeth, and dated
St. James's, the 17th of April 1768, contained in a
certain Newspaper, intituled, "The St. James's Chro-
nicle, or the British Evening-Post, from Thursday
December the 8th, to Saturday, December the 10th,
1768, printed by Henry Baldwin, at the Britannia
Printing-Office, No; 108, Fleet-Street," of which
Introduction John Wilkes, Esquire, a Member of this
House,

suppose the ridiculous attempt of a † Mr. Dingley, who had not a single freeholder to propose, or vote for him, can hardly be called an opposition. That election however was declared

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clarified

House, has now at the Bar of this House confessed himself to be the author and publisher, is an insolent, scandalous, and seditious libel, tending to inflame and stir up the minds of His Majesty's subjects to sedition, and to a total subversion of all good order and legal government.

Extract from the Journals of Feb. 3, 1769, vol. 33,
page 178.

A motion being made, and the question being put,
That John Wilkes, Esquire, a Member of this House,
who hath at the Bar of this House, confessed himself
to be the author and publisher of what this House has
resolved to be an insolent, scandalous, and seditious
libel, &c. &c. be *expelled this House.*

The House divided.

Tellers for the Yeaſ { Lord Frederick Campbell, } 219
Mr. Stevens.

Tellers for the Noeſ { Lord John Cavendish, } 137
Mr. Montagu.

So it was resolved in the Aſſeſſmentive.

† This unfortunate person had been persuaded by the Duke of Grafton to ſet up for Middleſex, his Grace being determined to ſeat him in the Houſe of Commons, if he had but a ſingle vote. It happened un-luckily that he could not prevail upon any one freeholder to put him in nomination.

Judius, vol. I. p. 60.

clared void the next day. On the 13th of April Mr. Wilkes was a fourth time elected, by a majority of 1143 votes against Mr. Luttrell, who had only 296. The same day this House ^t voted, "that Mr. Luttrell ought to " have been returned" On the 25th of April, a *Petition* was presented to the House from the freeholders of Middlesex by a worthy [§] Baronet, who is not only an honour to this House, but to human nature; notwithstanding which the House on the 8th of May resolved, "that Henry Lawes Luttrell, Esquire, " is duly elected a Knight of the Shire to serve " in this present Parliament for the county of " Middlesex.".

These, sir, are the great outlines, the leading facts. I will not trouble the Clerk to read all the resolutions, to which I have alluded. They are fresh, I am persuaded, in the memories of gentlemen. I only call for
that

^t Sir Fletcher Norton, when it was proposed to punish the Sheriff, declared in the House of Commons, that they, in returning Mr. Wilkes, had done no more than their duty.

Junius, vol. 1. p. 70.

[§] Sir George Saile, Baronet, Member for Yorkshire.

that of Feb. 17, 1769, respecting *incapacity* as the certain consequence of *expulsion*.

[The Clerk read the Resolution.]

Now, Sir, I think it fair to state to the House the whole of what I intend to move in consequence of the facts stated, and the Resolution just read. The first motion I intend is, "that the Resolution of this House of the "17th of February, 1769, that John Wilkes, "Esquire, having been, in this Session of Parliament, expelled this House, was, and is, in- "capable of being elected a member to serve in "this present Parliament, be expunged from "the Journals of this House, as being subver- "sive of the rights of the whole body of elec- "tors of this kingdom." This I hold of ne- cessity to restore the constitution, which that Resolution tears up by the roots. I shall then, if I succeed, if justice and a reverence for the constitution prevail in this Parliament, pro- ceed to the other Motion, "that all the de- "clarations, orders, and resolutions of this "House, respecting the election of John "Wilkes, Esquire, for the County of Mid- "dlesex, as a void election, the due and le- "gal

"~~general election of Henry Lawes Luttrell, Esquire, into the last Parliament, for the County of Middlesex, and the incapacity of John Wilkes, Esquire, to be elected a Member to serve in the said Parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."~~

The words of the Resolution of the 17th of February 1769, which I mean more particularly to combat, are, "was and is incapable," and the explanation of them the same day in the order for a new writ, "in the room of John Wilkes, Esquire, who is adjudged incapable of being elected a Member to serve in this present Parliament." In the first formation of this government, in the original settlement of our constitution, the people expressly reserved to themselves a very considerable part of the legislative power, which they consented to share jointly with a King and House of Lords. From the great population of our island this right could not be claimed and exercised personally, and therefore the many were compelled to delegate that power to a few, who thus were chosen their deputies and agents

agents only, their representatives. It follows from the very idea of a choice, that such choice must be free and uncontroled, admitting of no restrictions, but the law of the land, to which the King and the Lords are equally subject, and what must arise from the nature of the trust. A Peer of Parliament, for instance, cannot be elected a Member of the House of Commons, because he already forms a part of another branch of the same legislative body. A lunatic has a natural incapacity. Other instances might be mentioned, but these two are sufficient. The freedom of election is then the common right of the people of England, their fair and just share of power ; and I hold it to be the most glorious inheritance of every subject of this realm, the nobility, and, I trust, the most solid part of that beautiful fabric, the English constitution. Here I might lean, sir, on the most respectable authorities, which can be cited, the supreme judicature of this kingdom, and the venerable judges of former ages as well as of our own times. *I met them accidentally this morning in the course of my reading, as an old friend*

friend* of *Wilkes and Liberty*, now alas ! lost to every sense of duty to his country, frequently tells another great assembly, that he accidentally meets in this manner all his tiresome quotations. The House of Peers, sir, in the case of Ashby and White in 1704 determined, " a man has a right " to his freehold by the common law ; and the
 " law

* The Duke of Grafton. Junius in a letter to his Grace of May 30, 1769, says, " you complained--- " that your friend, Mr. Wilkes, who had suffered so much for the party, had been abandoned to his fate ---as for Mr. Wilkes, it is, perhaps, the greatest misfortune of his life, that you should have so many compensations to make in the closet for your former friendship with him. Your gracious master understands your character, and makes you a persecutor, because you have been a friend." Vol. i. p. 79.

Now, my Lord, let me ask you, Has it never occurred to your Grace, while you were withdrawing this desperate wretch [Mac Quirk] from that justice which the laws had awarded, and which the whole people of England demanded against him, that there is another man, who is the favourite of his country, whose pardon would have been accepted with gratitude, whose pardon would have healed all our divisions ? Have you quite forgotten that this man was once your Grace's friend ? or is it to murderers only that you will extend the mercy of the crown ? Vol. i. p. 59.

Was he [the Duke of Grafton] not the bosom friend of Mr. Wilkes, whom he now purues to destruction ? Vol. i. p. 89.

" law having annexed his right of voting to
 " his freehold, it is of the nature of his free-
 " hold, and must depend upon it." On the
 same occasion likewise they declared, " it is
 " absurd to say, the electors right of chusing
 " is founded upon the law and custom of par-
 " liament. It is an *original right, part of the*
" constitution of the kingdom, as much as a par-
" liament is, and from whence the persons
 " elected to serve in parliament do derive their
 " authority, and can have no other but that
 " which is given to them by those that have
 " the original right to chuse them." The
 greatest law authorities, both ancient and mo-
 dern, agree in the opinion, that every subject of
 the realm, not disqualified by law, is eligible
 of common right. Lord Coke, Lord Chief
 Justice Holt, and * Mr. Justice Blackstone,

are

* Doctor Blackstone is Solicitor to the Queen. The Doctor recollects that he had a place to preserve, though he forgot that he had a reputation to lose. We have now the good fortune to understand the Doctor's principles as well as writings. For the defence of truth, of law, of reason, the Doctor's book may be safely consulted; but whoever wishes to cheat a neighbour of his estate, or to rob a country of its rights, need make no scruple of consulting the Doctor himself.

Junius, vol. 1. p. 93.
 Mr.

are the only authorities, which I shall cite. I regard not, sir, the slavish, *courteous* doctrines propagated by lawyers in either house of Parliament, as to the rights of the subject, no more than I do as to what they pronounce high treason and rebellion. Such doctrines are delivered here only to be reported elsewhere. Those men have their reward. But the venal tongue of a prostitute advocate or judge, is best answered by the wife and sober pen of the same man, when in a former cool moment, unheated by party rage or faction, after the fullest deliberation, he gave to the nation, to the present age, and to posterity, a fair and impartial detail of their undoubted rights,

Mr. Gearyville quoted a passage from the Doctor's excellent *Commentaries*, which directly contradicted the doctrine maintained by the Doctor in the House of Commons. Page 122.

In the *Commentaries*, after a long enumeration of disqualifications, it is added, "But subject to those restrictions and disqualifications, every subject of the realm is eligible of common right."

Commentaries on the Laws of England. By William Blackstone, Esq; Vicarian Professor of Law, and Solicitor-General to the Queen, 4th edition printed at Oxford in 1768. vol. 1. page 176.

rights, and when he laid down in clear and express terms the plain law of the land. Lord Coke says, " He which is eligible of common right, cannot be disabled by the said ordinance in Parliament, unless it had been by act of Parliament." Lord Chief Justice Holt declares, " the election of knights belong to the freeholders of counties, and it is an original right, vested in, and inseparable from the freehold, and can no more be severed from their freehold, than their freehold itself can be taken away." Mr. Justice Blackstone in the first book of his *Commentaries on the Laws of England*, has the following words, " subject to these restrictions and disqualifications, every subject of the realm is eligible of common right." This common right of the subject, sir, was violated by the majority of the last House of Commons, and I affirm, that they, and in particular, if I am rightly informed, the † noble

Lord

† This is a mistake. Lord Stanley, now Earl of Derby, declared at that time in the House of Commons, " That the worthy magistrate [the Lord Mayor, Mr. Wilkes] was mistaken in ascribing to the noble Lord with the blue ribbon that declaration. It was his

Lord with the blue ribband, committed by that act *high treason against Magna Charta.* This house only, without the interference of the other parts of the legislature, took upon them to make the law. They adjudged me *incapable* of being elected a member to serve in that

Par-

" his father, the late Lord Strange, who made use of
" that expression."

General Fitzroy, Member for Thetford, and Vice-Chamberlain to the Queen, likewise asserted, " That the magistrate was also mistaken in attributing his *expulsion* to the noble Lord with the blue ribband; for it was a just, and the *favourite*, measure of the noble Duke, his brother, who was then Minister."

The Lord Mayor, *Mr. Wilkes*, replied, that what one brother had, perhaps with more truth than discretion, confessed of the other, ought to be the subject of an impeachment from all the Commons of England against the Duke of Grafton, on the very evidence of the Member, who spoke last, and he expatiated on the insolence, as he termed it, of a Peer's interfering in the elections and privileges of the Commons, and of declaring *who should sit in that House.* Such barefaced usurpations on the rights of the people were, he said, the old *genuine Stuart* maxims, which he hoped had taken their flight at the accession of the Brunswick line. He concluded, that the House ought to be alarmed at the ~~bold~~ avowal, that the expulsion of one of their Members was a *favourite* measure of an arbitrary Minister, the Member of another House, and predetermined in another place, that he could not suppress his indignation, that any man could

Parliament, although I was qualified by the law of the land, and the noble Lord declared in this house, " if any other candidate had only six votes, he would seat him for Mid-dicflex." I repeat it, sir, this violence was a direct infringement of Magna Charta, *high treason* against the sacred charter of our liberties. The words, to which I allude, ought always to be written in letters of gold. " No freeman shall be disfeized of his freehold, or liberties, or free customs, unless by the lawful judgment of his peers, or by the law of the land." By the conduct of that majority, and of the noble Lord, they assumed to themselves the power of making the law, and at the same moment invaded the rights of the people, the King, and the Lords. The two last tamely acquiesced in the exercise of a power, which had been in a great instance fatal to their predecessors, had put an end to

VOL. I. E their

could entertain the idea of deriving a kind of imputed family merit ~~from~~ a violation of the laws of his country perpetrated by a brother, and that the apprehension and voluntary confession of a crime committed by another, but almost incapable of proof, argued a degree of folly most justly the object of pity, but a total want of principle, which excited horror.

their very existence ; but the people, sir, and in particular the spirited freeholders of this county, whose ruling passion is the love of liberty, have not yet forgiven the attack on their rights. So dangerous a *precedent* of usurped power, which may in future times be cited and adopted in practice by a despotic minister of the crown, ought to be expunged from the Journals of this House.

I have heard and read much of *precedents* to justify the proceedings of the last House of Commons. I own, sir, I value very little the doctrine of \ddagger precedents. There is scarcely any new villainy under the sun. A precedent can never justify any action in itself wicked, a robbery for instance on the heaths of Hounslow or Bagshot, of which there are innumerable precedents. The basest actions may be justified by precedents drawn from bad times and bad men. The sole question is, Whether this power is not a direct usurpation on the rights of the people ? If that is proved, I care not how long the usurpation has continued,

how

\ddagger One *precedent* creates another.---They soon accumulate and constitute Law. What yesterday was fact, to-day is doctrine.

now often practised. It is high time to put an end to it. It was the case of *General Warrents*. One precedent however, the most insisted upon, I must take notice of, because it is said fully to come up to the point, but, in my opinion, in almost every part it proves the contrary of what it has been brought to support. I mean the remarkable case of Mr. Walpole in 1711, a period, in which the rankest *Tory* principles were countenanced more than in any other of our history prior to 1760. The case, sir, has been so partially quoted, even by a § person, whose sole merit

E 2

here

§ *Jeremiah Dyson*, Esq; formerly Clerk of the House of Commons, Member in the present Parliament for Horsham in Sussex.

It is well worth remarking that the compiler of a certain quarto, called *The case of the last election for the county of Middlesex considered*, has the impudence to recite this very vote, in the following terms, vide page 11, "Resolved, that Robert Walpole, Esq, having been that session of parliament expelled the House, was and is incapable of being elected a member to serve in the present parliament." There cannot be a stronger positive proof of the *treachery* of the compiler, nor a stronger presumptive proof that he was convinced that the vote, if truly recited, would overturn his whole argument.

Junius, vol. i. p. 145.

After,

here was an assumed accuracy, which he never possessed, that I shall desire it may be read to the House from the Journals.

[The Clerk read,]

"Resolved, that Robert Walpole, Esquire,
" having been, this session of Parliament, com-
" mitted a prisoner to the Tower of London,
" and expelled this House, *for an high breach*
" *of trust in the execution of his office, and no-*
" *rious corruption, when Secretary at War,* was
" and is incapable of being elected a Member
" to serve in the present Parliament."

Now, sir, I must observe, that even *that* House of Commons, at an era so hostile to the liberties not only of England but of Europe, did not venture to adjudge Mr. Walpole incapable of being elected a member to serve in that Parliament *only* because he was expelled, but in the body of the Resolution itself they added another reason, which would be trifling, if the former was sufficient and adequate to the point, *the high breach of trust in the execution of his office, and notorious corruption, when Secre-*

etary

After convicting Mr. Dyson of giving a false quotation from the Journals, and having explained the purpose, which that contemptible fraud was intended to answer, &c. P. 146.

cretary at War. As trustees for the nation, they assigned a public cause, which must interest every member of the community. In the case of Mr. Wilkes, the last House of Commons declared, "that John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, was and is incapable of being elected a Member to serve in this present Parliament." The *having been expelled*, whether justly or unjustly, is the *only reason*, which they gave to the world. I shall not yet, sir, dismiss the case of Mr. Walpole. It will prove another proposition maintained by me, it will shew the injustice of the late House of Commons in seating Mr. Luttrell, as Representative for the County of Middlesex. The fact was, that the House in Queen Anne's time having expelled Mr. Walpole, ordered immediately the issuing of a new writ. At the subsequent election Mr. Walpole was again returned. A Mr. Taylor, who had a minority of votes, petitioned, but the election was vacated. Had the doctrine propagated by the late majority, and by the noble Lord with the blue ribband, been just and founded, Mr. Taylor ought to have been

person incapacitated are thrown away, if they are knowingly given to him. But, sir, I beg leave to assert, that this was not the case in the Middlesex business. Mr. Wilkes was qualified by the law of the land, and the freeholders, who perfectly understood the clear point of law, as well as their own rights, expressly declared in the Petition presented on the 29th of April 1769 to the House, "Your Petitioners beg leave to represent to this honourable House, that the said Henry Lawes Luttrell had not the majority of legal votes at the said election, nor did the majority of the freeholders, when they voted for John Wilkes, Esquire, mean thereby to throw away their votes, or to waive their right of representation; nor would they, by any means, have chosen to be represented by the said Henry Lawes Luttrell, Esquire. Your Petitioners therefore apprehend he cannot sit as the representative of the said County in Parliament, without a manifest infringement of the rights and privileges of the freeholders thereof."

This House, sir, is created by the people, as the other is by the King. What right can
the

the majority have to say to any county, city, or borough, you shall not have a particular person to be your representative, only because he is obnoxious to us, when he is qualified by law? Every county, city, or borough has an equal right with all other counties, cities, and boroughs, to its own choice, to its own distinct deputy in the great council of the nation. Each is free and independent, invested with precisely the same powers.

I do not mean, sir, now to enter into the argument, whether it may not be fit to give this House the power of expulsion in the first instance, for very flagrant and infamous crimes, either committed, or of which the member may be convicted, subsequent to his election. The sending the member back to his constituents on such ground might be considered as an appeal to the people. If however his constituents should differ in opinion from the majority of this House, if they should think him fit to be re-elected, he ought to be admitted, because he claims his seat under the same authority, by which every member holds the privilege of sitting and voting here, a delegation from the people, their free choice. The first appeal to the con-

stituents

stituents might in many cases appear just and reasonable. The appeal certainly lies to them; for they are the fountain of this power. We exercise their right. By their representation only we are a House of Parliament. They have the right of chusing for themselves, not a Majority here for them.

Sir, I will venture to assert, that the law of the land, by which all courts of judicature are equally bound, is overturned by the power lately exercised by a Majority of a House of Commons. The right of election by law is vested in the freehold. It is not placed in you, but in other hands, in those of the freeholders, or the constituents. Your predecessors not only robbed a particular county of its noblest privileges, but they changed the constitution of a House of Commons. The freeholders of this county and the nation abhorred the proceeding, and poured their execrations on the treacherous authors. From us not only they, but the law and constitution now expect a full reparation of the injury, by rescinding the Resolution.

This usurpation, if acquiesced under, would be attended with the most alarming consequences. If you can reject those disagreeable to a majority, and

and expel whom you please, the House of Commons will be *self-created* and *self-existing*. You may expel till you approve, and thus in effect you nominate. The original idea of this House being the representative of the commons of the realm will be lost. The consequences of such a principle are dangerous in the extreme. A more forcible engine of despotism cannot be put into the hands of a Minister. I wish gentlemen would attend to the plain consequences of such proceedings, and consider how they may be brought home to themselves. A member hated, or dreaded, by the minister, is accused of a crime, for instance of being the author of what he thinks a libel. I select this case, as being the crime the least likely to be committed by any one gentleman of the present majority of this House. No proof whatever is given on oath before you, because you cannot administer an oath, except in the cases provided for by act of Parliament. You determine the *fact* however, and thus the Minister begins with invading the rights of *Juries*. Before any trial, he gets the paper voted a libel, and the member he wishes expelled is voted to be the author, which is a *fact* this House is not

competent to try and determine. *Expulsion* means always, as it is pretended, *incapacity*. The member is accordingly adjudged *incapable*. He cannot in consequence be re-elected, and thus is totally excluded from Parliament. By such manœuvres a minister may garble a House of Commons till not a single enemy of his own, or friend of his country, is left here, and the representation of the people in a great degree annihilated. Corruption had not lent despotism wings to fly so high in the reign of Charles I, or the minister of that day would have been contented with expelling *Hampden*, and the four other heroes, because they had immediately been adjudged *incapable*, and thereby incapacitated from thwarting in parliament the arbitrary measures of a wicked court. My expulsion was an easy victory over liberty and the constitution. It went with wonderful expedition through all the forms of this House, for it was known to be a measure previously adopted in the cabinet, whose members have through the *present reign fre-

* One of the first acts of the present reign was to dismiss Mr. Legge, because he had some years before refused to yield his interest in Hampshire to a Scotchman

frequently dared to deliberate on the invasion of the dearest rights of their country.

Upon all these considerations, sir, in order to quiet the minds of the people, to restore our violated constitution to its original purity, to vindicate the injured rights of this county in particular, and of all the electors of this kingdom, and that not the least trace of the violence and injustice of the last parliament in this important cause may disgrace our records, I humbly move, "that the Resolution of this

"House of the 17th of February 1769, that

"John

man [Sir Simeon Stuart] recommended by Lord Bute. This was the reason publicly assigned by his Lordship.

Junius, vol. 2. p. 35.

The transaction, to which Junius alludes, is related at large in a 4to pamphlet compiled from original papers, intituled, *Some Account of the Character of the late Right Honourable Henry Bilson Legge.*

Mr. Legge received a verbal message from Lord Bute by Mr. Martin [Samuel Martin, Esq;] Dec. 12, 1759, the purport of which was, as it stands upon Mr. Legge's paper, "that he should bid adieu to the County of Southampton at the general election, and assist as far as lay in his power, the Prince of Wales's [now George the Third's] nomination of two members." Page 16.

Before the talons were grown, such things were remarked, that every man of reflection dreaded the moment of maturity.

* John Wilkes, Esquire, having been, in this
 session of Parliament, expelled this House, was,
 and is, incapable of sitting in the present Par-
 liament, be expunged from the Journals of
 this House, as being subversive of the rights
 of the whole body of electors of this king-
 dom."

VOTES of March 29, 1775.

Ordered, That the order of the day for the second reading of the Bill to incapacitate William Abraham, James Anderson junior, &c. &c. from voting at elections for Members to serve in Parliament; and for the preventing Bribery and Corruption in the election of Members to serve in Parliament, for the Borough of Hindon, in the county of Wilts, be now read.

Sir Cecil Wray, Member for East Retford, gave notice in a very spirited manner, that he would move the Committee to insert likewise in the Bill the names of the Bribers, the Candidates themselves. The Lord Mayor, Mr. Wilkes, observed, that the punishment ought to extend farther as to all the parties, and mentioned a great

great defect in the Statute Law against Bribery and Corruption ; that at present a person convicted of bribery and corruption was indeed incapacitated from voting for a Member of Parliament, but not from becoming himself a part of the legislative body, and actually sitting in that House. He added, that there was at that time a †gentleman in a high and lucrative office under the Crown, bestowed upon him since he was personally convicted of bribery and corruption, who was admitted and acknowledged to be a Member of the House of Commons in this very Parliament. He appealed to the Minister himself, who was present, for the truth of the assertion ; but no answer was given. He further remarked, that the mode proposed by some gentlemen, of prosecuting the electors of *Hindon* in a court of law, instead of punishing them by the present Bill, would let half the guilty escape, even supposing a lawyer could be found public-spirited enough to undertake so many and expensive

† The person alluded to is supposed to be Bamber Gascoyne, Esq; Member for Truro in Cornwall, now a Lord of Trade, who was prosecuted to conviction for bribery at a former election for Malden in Essex.

peative causes, under the known circumstance of the poverty of the parties, and their inability to pay the penalties; for, as the law now stands, any person guilty of bribery and corruption, who informs against another equally guilty, saves himself, and acquires a personal indemnity ; that this would certainly be the case of the venal wretches at Hindon, and consequently 94 of them might escape the punishment, which all the 188 so highly merited, whereas the mode of a Bill in Parliament dealt out equal and exemplary punishment to all the guilty.

VOTES of October 26, 1775.

Resolved, That an humble *Address* be presented to His Majesty, to return His Majesty the thanks of this House, for His most gracious Speech from the Throne.

To assure His Majesty, that we have long lamented the condition of our unhappy fellow-subjects in *America*, seduced from their allegiance by the grossest misrepresentations, and the most wicked and infidious pretences, &c. to declare, that His Majesty's faithful Commons took a sincere part in His Majesty's paternal

ternal desire, rather to reclaim, than to subdue, the most refractory of His Colonies, &c. the rebellious war now levied is become more general, &c. that we thankfully acknowledge the gracious considerations, which induced His Majesty to send a part of His *Electoral troops* to the garrisons of Gibraltar and Port Mahon, &c. and that we are bound in duty to return His Majesty our particular thanks, for pointing out to us, from the Throne, the constitutional resource of our well-modelled and well-regulated national *Militia*, &c. and to assure His Majesty, that we hear with the highest satisfaction the affectionate declaration of the *Father of his People*, &c, &c, &c.

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

I entirely agree with the *honourable gentleman, who seconded the Motion for an Address to His Majesty, that *every man ought now to speak out*, and in a moment so important as the present to the whole empire, I think it

* Governor Lyttelton, Member for Bewdley, now Lord Wetcote, a Lord of the Treasury.

ill becomes the dignity and duty of Parliament to lose itself in such a fulsome, adulatory Address to the throne as that now proposed. We ought rather, sir, to approach our Sovereign with sound and wholesome advice, and even with remonstrances against the conduct of his ministers, who have precipitated the nation into an *unjust, ruinous, felonious* and *murderous* war. I call the war with our brethren in America an *unjust, felonious* war, because the primary cause and confessed origin of it is, to attempt to take their money from them without their consent, contrary to the common rights of all mankind, and those great fundamental principles of the English constitution, for which *Hampden* bled. I assert, sir, that it is in consequence a *murderous* war, because it is an effort to deprive men of their lives for standing up in the just cause of the defence of their property, and their clear rights. It becomes no less a *murderous* war with respect to many of our fellow subjects of this island; for every man, either of the navy or army, who has been sent by government to America, and fallen a victim in this unnatural and unjust contest, has, in my opinion, been *murdered*

and by administration, and his blood lies at their door. Such a war, I fear, sir, will draw down the vengeance of heaven upon this devoted kingdom.

I think this war, sir, fatal and *ruinous* to our country. It absolutely annihilates the *only* great source of our wealth, which we enjoyed **unrivalled by other nations*, and deprives us of the fruits of the laborious industry of near

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• The Speech of the LORD MAYOR, Mr. Wilkes,
from the Hastings at Guildhall, to the COMMON
HALL, April 5, 1775.

Gentlemen of the Livery,

It would ill become me on this important day to take up much of your time. I very readily complied with the request of several respectable Citizens to call this Common Hall, from every feeling of justice and humanity, to our persecuted brethren in *America*, and the fatal consequences I foresee of the violent proceedings now carrying on, which must so deeply affect the prosperity, not only of this, the first commercial city in the world, but likewise the whole kingdom. I will only, gentlemen, beg leave to read to you from your own records on this subject, the words of a petition from this Metropolis to both Houses of Parliament, long before the present unhappy contest between the Mother Country and her *American Colonies* began, so long ago as the year 1739.

"The Citizens of London are too deeply interested
in whatever affects the trade of this nation not to ex-

44 *Vetus*

three millions of subjects, which centred here. That commerce has already taken its flight, and our American merchants are now deploreding the consequences of a wretched policy, which has been pursued to their destruction. It is, sir, no less ruinous with regard to the enormous expence of the fleets and armies necessary for this nefarious undertaking, and of consequence the enormous supplies to be raised,

so

" press the utmost anxiety for the welfare of that only source of our riches. The petitioners apprehend, that the trade from these His Majesty's kingdoms to His American Colonies, is of the utmost importance, and almost the only profitable trade this nation now enjoys univalued by others."

If, Gentlemen, the trade to our *American Colonies* near forty years ago was, according to the declared opinion of this Metropolis, of such importance, the amazing entries for several late years made in the books of the Custom-house, which are a most daily before your eyes, will best demonstrate to what an immense magnitude it is since grown, and that such an object calls for our most earnest, unrearied attention and regard. Whatever your determinations may be, you may be assured of the hearty concurrence of your Chief Magistrate.

† In the Speech from the Throne on the same day His Majesty declared, "among the many unavoidable ill consequences of this Rebellion, none affects me more sensibly than the extraordinary burthen which it must create to my faithful subjects." This passage is a clear demonstration,

so that we are wasting our present wealth, while we are destroying the sources of all we might have in future. An humane mind must contemplate with agony the dreadful calamities and convulsions, which are the consequence of every civil war, and especially a civil war of this magnitude and extent.

I speak, sir, as a firm friend to England and America, but still more to universal liberty, and the rights of all mankind. I trust no part of the subjects of this vast empire will ever submit to be slaves. I am sure the Americans are too high spirited to brook the idea. Your whole power, and that of your allies, if you had any, even of all the German troops, of all

stration, that the Speech from the Throne must be considered as the Speech of the Minister, not of the Sovereign. The Minister, who controls the finances of a state, would naturally dwell on the great expence of a rebellious war, but a good and humane King, who loved his people, would be *more sensibly affected* by the idea of the cruel effusion of the blood, and the loss of the lives, of many thousands of his subjects.

En 1744, Menin est attaqué par les François. On dit à Louis XV, qu'en brusquant une attaque qui coûtera quelques hommes, on fera quatre jours plus tôt dans la ville. " Eh bien," dit le Roi, " prenons- " la quatre jours plus tard ; j'aime mieux perdre quatre " jours devant une place, qu'un seul de mes sujets."

Journal de Louis XV.

the russians from the north, whom you can hire, cannot effect so wicked a purpose. The conduct of the present administration has already wrested the sceptre of America out of the hands of our Sovereign, and he has now scarcely even a postmaster left in that whole northern continent. More than half the empire is already lost, and almost all the rest in confusion and anarchy. The ministry have brought our Sovereign into a more disgraceful situation than any crowned head now living. He alone has already lost, by their fatal counsels, more territory than the three great united powers of Russia, Austria, and Prussia have together by a wicked confederacy *robbed* Poland of, and by equal acts of violence and injustice from administration.

England was never engaged in a contest of such importance to our most valuable concerns and possessions. We are fighting for the subjection, the *unconditional submission*, of a country infinitely more extended than our own, of which every day increases the wealth, the natural strength, the population. Should we not succeed, it will be a loss never enough to be deplored, a bosom friendship soured to hate and resentment. We shall be

considered as their most implacable enemies, an eternal separation will follow, and the grandeur of the British empire pass away. Success, *real success*, seems to me not equivocal, not uncertain, but impossible. However we may differ among ourselves, they are perfectly united. On this side the *Atlantic party*-rage unhappily divides us, but one soul animates the vast northern continent of America, the general *congress* and each provincial assembly. An appeal has been made to the sword, and at the close of the last campaign what have we conquered? *Bunker's Hill* only, and with the loss of 1200 men. Are we to pay as dearly for the rest of America? The idea of the conquest of that immense continent is as romantic as unjust.

The honourable *gentleman, who moved the Address, says, "the Americans have been "treated with lenity." Will facts justify the assertion? Was your *Boston* fort Bill a measure of lenity? Was your *fiserry* Bill a measure of lenity? Was your Bill for taking away the charter of the *Massachusetts* Bay a measure of lenity, or even justice? I

* John Dyke Acland, Esq; Member for Callington in Cornwall.

omit your many other gross provocations and insults, by which the brave Americans have been driven into their present state. He asserts that they *avow* a disposition to be *independent*. On the contrary, sir, all the declarations both of the late and the present *congress*, uniformly tend to this one object, of being put on the same footing the *Americans were in the year 1763*. This has been their only demand, from which they have never varied. Their daily *prayers* and *petitions* are for *liberty, peace, and safety*. I use the words of the *Congress* the last year. They justly expect to be put on an equal footing with the other subjects of the empire, and are willing to come into any fair agreement with you in commercial concerns. If you confine all our trade to yourselves, say they ; if you make a monopoly of our commerce ; if you shut all the other ports of the world against us, do not tax us likewise. If you tax us, then give us a free trade, such as you enjoy yourselves. Let us have equal advantages of commerce, all other ports open to us, then we can, and will, *chearfully*, voluntarily pay taxes. You will have a *free will offering* given with pleasure, not grudgingly.

It must give, sir, every man who loves this country, the deepest concern at the naming in the Address *foreign* troops, Hanoverians and Hessians, who are now called to interfere in our domestic quarrels, not to dwell this day on the illegality of the measure, the danger and disgrace attending *foreign* mercenaries. The *militia*, indeed, are we are told to be now employed, and that noble institution is at present complimented by ministers, but we know they hate the very name of a *militia*, and that measure is adopted only because the embodying of those forces enables administration to *butcher* more of our fellow-subjects in America.

Sir, I disapprove not only the evil spirit of the whole *Address*, but likewise the wretched adulation of almost every part of it. My wish and hope therefore is, that it will be rejected by the House, and that another dutiful, yet decent, and manly, *Address* will be presented to the King, praying his Majesty to sheathe the sword, prevent the farther effusion of the blood of our fellow-subjects, adopt some mode of negotiation with the general congress in compliance with their repeated *petitions*, and

and thereby restore peace and harmony to this distracted empire.

VOTES of November 27, 1775.

A Motion was, and the Question being proposed, “ That an humble *Address* be presented to his Majesty, humbly requesting, that his Majesty would be graciously pleased to impart to this House, who were the original authors and advisers to his Majesty of the following measures, before they were proposed in Parliament—“ for taxing America, without the consent of its Assemblies, for the purpose of a Revenue, &c. &c.”

Mr. Wilkes said,

Mr. Speaker,

The *Address* to his Majesty, which * the honourable gentleman has moved this day, is so essentially different from all other late addresses to the throne, that I own it meets with my hearty concurrence. I think it, sir, of the utmost consequence to know the original authors and advisers of this unjust, pernicious, and cal-

* Mr. Alderman Oliver, Member for London.

calamitous war, which has already deluged with blood a part of America, and spread horror and devastation through that whole northern continent. When so many provinces of the empire are already lost, and the rest actually engaged in a cruel, civil war, we ought not to sit down in a criminal supineness. It becomes our duty, as the grand inquest of the nation, to find out and punish the delinquents, by whose fatal counsels such evils have been brought upon this convulsed, and almost ruined state. We owe it to the people at large, and several of us have it in express charge from our constituents.

We are, I fear, Sir, on the eve of an eternal, political separation from the western world, unless a very speedy reconciliation should take place. If the present motion happily meets with success, I am sure it will do more towards a sincere, lasting, and hearty union with America, than all the captious and fallacious proposals of administration. The Americans will then believe we indeed desire a reconciliation with them, and they will at length begin to have confidence in our counsels, when they see the vengeance of Parliament fall on the authors of our common calamities.

families. The principles of violence and injustice, which have hitherto prevailed, they will see, if the House is really in earnest to treat, yield to equity and moderation; a negotiation on fair, equal, and just terms, may ensue, and a general tranquility be re-established in an empire, which is now shaken to its very foundations.

I really think, sir, this is almost the only method now left of extricating ourselves with honour and dignity from our present alarming difficulties. You have voted fleets and armies, and your forces figure greatly in the papers of the Secretary at War, and in the expensive estimates on your table. But the minister knows very well they are not equal to the mad project of subjugating the vast continent of America, nor do I believe the whole strength of this kingdom adequate to such an attempt. After a very bloody campaign you have conquered only one hill of less than a mile's circumference, for you were suffered to land as friends in the only sea-port town of any consequence which you possess. Would the noble

* Lord George Sackville Germain, one of His Majesty's Principal Secretaries of State. [for America]
From

the lord, whom his Majesty has lately raised to one of the highest *civil* offices, if he were sent on a *military* service, would he venture, even at the head of *the whole British cavalry*, to advance ten miles into the country? He would not, I am persuaded, be so rash, nor do I think his spirit quite daring enough to make the attempt. And is any minister weak enough to flatter himself with the conquest of all

North

From the London Gazette of April 26, 1760.

This Court, [a *General Court-Martial*] upon the consideration of the whole matter before them, is of opinion, That *Lord George Sackville* is guilty of having disobeyed the orders of Prince Ferdinand of Brunswick, whom he was by his Commission and Instructions directed to obey, as Commander in Chief, according to the rules of war; and it is the further opinion of this Court, that the said *Lord George Sackville* is, and he is hereby adjudged, *unfit to serve His Majesty in any MILITARY capacity whatsoever.*

From the London Gazette, of Nov. 11, 1775.

His Majesty having pleased to appoint the Right Honourable *Lord George Sackville Germain* to be one of His Majesty's Principal Secretaries of State, his Lordship was this day, by His Majesty's command, sworn one of His Majesty's Principal Secretaries of State accordingly.

North America ? The Americans will dispute every inch of territory with you, every narrow pass, every strong defile, every *Thermopylae*, every *Bunker's Hill*. A train of most unfortunate events will probably ensue, and the power of recruiting, perhaps subsisting, your weakened forces, at such a distance, be lost. After an unavailing struggle of a very few years, when the ruined merchant and manufacturer besiege your doors, you will perhaps think of naming ambassadors to the general congress, instead of the wild and expensive job and farce now in contemplation, of thirty commissioners, with a salary of four thousand pounds each, to cry *Peace, when there is no Peace.*

Yet, sir, I think *Peace* absolutely necessary between Great Britain and America, and therefore I approve the present motion, as holding out the olive branch. The Americans are rapidly increasing in population, and in the knowledge of all the useful arts of life. Alas ! sir, they are not ignorant even in the fashionable art of murdering our own species. The late worthy governor of Pennsylvania* declared

at

* Richard Penn, Esq; was examined before the House of Lords, Nov. 19, 1775.

at the bar of the other House, that this province now grew more corn than was sufficient for the supply of its inhabitants; that they exported considerably every year; that they perfectly understood the art of making gunpowder, and had effected it; that they had established several works to procure saltpetre; that they had the materials and means in great plenty of casting iron cannon; that the art of casting both brass and iron cannon, as well as of fabricating small arms, had been carried to great perfection; and that they were expert in ship-building beyond the Europeans. He declared likewise, that single province had actually enrolled 20,000 men, in arms, embodied, but not in pay, and had 4000 minute men ready on the first notice of any danger. The authentic accounts of the preparations for the forming, training, and disciplining troops in the Massachusetts Bay and in Virginia are equally formidable, nor are they inconsiderable in the other *united provinces*. Every idea of force therefore on our side must appear infatuation.

All wise legislators, sir, have calculated the strength of a nation from the number of its inhabitants, the laborious, strong, and active.

The

The population in most parts of America is doubled in the course of nineteen or twenty years, while that of this island is known rather to have decreased since the year 1692. The emigrations of late from the three kingdoms have been amazing and alarming. Our own people have fled in multitudes from a government, under which they starved. It appears from the nicest calculations, that many more of our fellow-subjects have voluntarily left this kingdom for America—never to return—than I believe administration has hitherto sent in their pay both of fleets and armies—never to return—in any considerable proportion I mean of the force sent. The Americans, sir, are a pious and religious people. With much ardour and success they follow the first great command of Heaven, *Be fruitful, and multiply.* While they are fervent in these devout exercises, while the men continue enterprising and healthy, the women kind and prolific, all your attempts to subdue them by force will be ridiculous and unavailing, will be regarded by them with scorn and abhorrence. They are daily strengthening, and if you lose the present moment of reconciliation, to which this

motion

motion tends, you lose all. America may now be reclaimed or regained, but cannot be subdued.

Gentlemen, sir, do not seem to have considered the astonishing disadvantages, under which we engage in this contest against the combined powers of America, not only from the distance and natural strength of the country, but the peculiar and fortunate circumstances of a young, rising empire. The *congress*, sir, have not the monstrous load of a debt of above one hundred and forty millions, like our Parliament, to struggle with, the very interest of which would swallow up all their taxes ; nor a numerous and hungry band of useless placemen and pensioners to provide for ; nor has luxury yet enervated their minds or bodies. Every shilling which they raise, will go to the man who fights the battles of his country. They set out like a young heir with a noble landed estate, unincumbered with enormous family debts, while we appear the poor, old, feeble, exhausted, and ruined parent ; but exhausted and ruined by our own wickedness, prodigality, and profligacy.

. Sir, I daily hear the Americans, who glow with a divine zeal for liberty in all its branches, misrepresented in this House, and the ostensible minister is diligent in propagating the most unjust calumnies against them. The noble lord with the blue ribbon told us, the *liberty of the press* was lost throughout America. The noble lord deceives us in this, as in many other things. From experience we know that his intelligence can never be relied upon. The liberty of the press, the bulwark of all our liberties, is lost only in Boston, for his lordship's ministerial troops govern there only. The press is free at Water-Town, but seven miles distant from Boston, at Philadelphia, Newport, Williamsburgh, and in the rest of North America. I will give the House the demonstration. General Gage's foolish and contemptible proclamation against *Samuel Adams* and *John Hancock*, two worthy gentlemen, and, I dare to add, true patriots, even that proclamation, declaring them rebels and traitors, while the generals Washington, Putnam and Lee, with all the naval commanders in arms, were unnoticed by him, appears reprinted in all the American papers. His letters

ters likewise to Governor Turnbull and others, in which he most heroically apologized for his inert conduct, as necessary for the protection of the army—the protection of *an army!*—and of an army, which we were taught to believe would look all opposition into subjection, awe the factious, and give security to the well affected, these letters too were all faithfully copied. I believe all the curious, futile orders he has issued, all his unmeaning declarations and proclamations, will be found as exact in the Pennsylvania, Water-Town, and other American news-papers, as in the Gazette, published by his authority at Boston, which in other respects is as partial and false as that of the American Secretary published *by authority* in this capital.

The *honourable gentleman, sir, who spoke last, says, the “present address is trifling, for “we already know the author and adviser of all “the late measures against America; that the “noble lord with the blue ribband will avow “them, and has done it.” I wish to hear such a declaration. Will the noble lord avow him-

* Anthony Storer, Esq; Member for Carlisle.

self the adviser of only one of the late flagitious measures, that of establishing Popery and despotic power in Canada? The father of that monstrous birth I thought had prudently hitherto chosen to remain concealed. He likewise tells us, "the motion now before us is
 "coupled with nothing, and leads to nothing." I will tell him what it ought to *lead to*, what it ought to be *coupled with*. I mean an *impeachment*, sir, which I trust will follow, as the next motion of the honourable gentleman, who spoke first in this debate. Whoever did advise the measures lately pursued, which have lost half our empire, I consider as a criminal of so deep a dye, that his head would be a just sacrifice to the honour of England and the peace of America. The word *impeachment*, I hope, will always strike terror to the ear and heart of a wicked and arbitrary minister, and that the noblest and most important prerogative of this free people, secured to us by our great deliverer, king William III, in the "Act for the further limitation of the crown, and better securing the rights and liberties of the subject," will shortly have its full effect, "that no person under the great seal of England be
 "plead-

"pleadable to an *impeachment* by the Commons in Parliament."

VOTES of March 21, 1776.

A Motion was made, and the Question was put, "That leave be given to bring in a Bill, for a just and equal Representation of the People of England in Parliament."

Mr. Wilkes said,

Mr. Speaker,

All wise governments, and well-regulated states, have been particularly careful to mark and correct the various abuses, which a considerable length of time almost necessarily creates. Among these, one of the most striking and important in our country is, the present unfair and inadequate state of the representation of the people of England in Parliament. It is now become so partial and unequal from the lapse of time, that I believe almost every gentleman in the House will agree with me in the necessity of its being taken into our most serious consideration, and of our endeavouring to find a remedy for this great and growing evil.

I wish, sir, my slender abilities were equal to a thorough investigation of this momentous business. Very diligent and well-meant endeavours have not been wanting to trace it from the first origin. The most natural and perfect idea of a free government is, in my mind, that of the people themselves assembling to determine by what laws they chuse to be governed, and to establish the regulations they think necessary for the protection of their property and liberty against all violence and fraud. Every member of such a community would submit with alacrity to the observance of what had been enacted by himself, and assist with spirit in giving efficacy and vigour to laws and ordinances, which derived all their authority from his own approbation and concurrence. In small inconsiderable states, this mode of legislation has been happily followed, both in ancient and modern times. The extent and populousness of a great empire seems scarcely to admit it without confusion or tumult; and therefore our ancestors, more wise in this than the ancient Romans, adopted the representation of the *many* by a *few*, as answering more fully the true ends of government. Rome

was

was enslaved from inattention to this very circumstance, and by one other fatal act, which ought to be a strong warning to the people, even against their own representatives, the leaving power too long in the hands of the same persons, by which the armies of the republic became the armies of Sylia, Pompey, and Caesar. When all the burghers of Italy obtained the freedom of Rome, and voted in public assemblies, their multitudes rendered the distinction of the citizen of Rome and the alien impossible. Their assemblies and deliberations became disorderly and tumultuous. Unprincipled and ambitious men found out the secret of turning them to the ruin of the Roman liberty and commonwealth. Among us this evil is avoided by representation, and yet the justice of the principle is preserved. Every Englishman is supposed to be present in Parliament, either in person, or by a deputy chosen by himself, and therefore the resolution of Parliament is taken to be the resolution of every individual, and to give to the public the consent and approbation of every free agent of the community.

According to the first formation of this excellent constitution, so long and so justly our greatest boast and best inheritance, we find that the people thus took care no laws should be enacted, no taxes levied, but by their consent, expressed by their representatives in the great council of the nation. The mode of representation in ancient times being tolerably adequate and proportionate, the sense of the people was known by that of Parliament, their share of power in the legislature being preserved, and founded in equal justice. At present it is become insufficient, partial, and unjust.

From so pleasing a view as that of the equal power, which our ancestors had, with great wisdom and care, modelled for the commons of this realm, the present scene gives us not very venerable ruins of that majestic and beautiful fabric, the English constitution. As the whole seems in disorder and confusion, all the former union and harmony of the parts are lost or destroyed. It appears, sir, from the writs remaining in the King's remembrancer's office in the exchequer, that no less than 22 towns sent members to the Parliament in the 23d, 25th, and 26th, of Edward I. which have long .

long ceased to be represented. The names of some of them are scarcely known to us, such as those of Canebrig and Bamburg in Northumberland, Pershore and Brem in Worcestershire, Jacvall and Tykhull in Yorkshire. What a happy fate, sir, has attended the boroughs of Gatton and Old Sarum, of which, although *ipse perière ruine*, the names are familiar to us, the clerk regularly calls them over, and four respectable gentlemen represent their departed greatness, as the knights at a coronation represent Aquitaine and Normandy? The little town of Banbury, *petite ville, grand renom*, as Rabelais says of Chinon, has, I believe, only 17 electors, yet gives us, in its representative,* what is of the utmost importance to the majority here, a first Lord of the treasury, and a Chancellor of the exchequer. Its influence and weight on a division, I have often seen overpower the united force of the members for London, Bristol, and several of the most populous counties. East-Grinstead too, I think, has only about 30 electors, yet gives a seat among us to that *brave, beroik lord* at the head of a great civil de-

* Lord North is Member for Banbury.

† Lord George Germain is Member for East Grinstead.

department, now very military, who has fully determined † to conquer America—but not in Germany. It is not, Sir, my purpose to weary the patience of the House by the researches of an antiquarian, into the ancient state of our representation, and its variations at different periods. I shall only remark shortly on what passed in the reign of Henry VI. and some of his successors. In that reign, Sir John Fortescue, his chancellor, observed that the House of Commons consisted of more than 300 *champions*; various alterations were made by succeeding Kings till James II. No change has happened since that period. Great abuses, it must be owned, contrary to the primary ideas of the English constitution, were committed by our former princes, in giving the right of representation to several pocket boroughs, because the places were poor, and dependent on them, or on a favourite overgrown peer. The land-marks of the constitution have often been removed. The marked partiality for Cornwall, which single county

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† This seems to allude to the celebrated Expression of Mr. Pitt in the House of Commons, that he had *conquered America in Germany*.

All lands, within one, as many members as the whole kingdom of Scotland, is striking. It arose from yielding to the crown in the said lands a larger hereditary revenue than any other English county, as well as from the duchy being in the crown, and giving an amazing command and influence. By such abuses of our princes the constitution was wounded in its most vital part. Henry VIII. settled two members, Edward VI. twenty, Queen Mary four, Queen Elizabeth twelve, James I. sixteen, Charles I. eighteen, in all seventy-two. The alterations by creation in the same period were more considerable, for Henry VIII. created thirty-three, Edward VI. twenty-eight, Queen Mary soventea, Queen Elizabeth forty-eight, James I. eleven; in all 137. Charles I. made no new creation of this kind. Charles II. added two for the county, and two for the city of Durham, and two for Newark on Trent. This House is at this hour composed of the same representation it was at his demise, notwithstanding the many and important changes, which have since happened. It becomes us therefore to enquire, whether the sense of Parliament can be now,

on solid grounds, from the present representation said to be the sense of the nation, as in the time of our forefathers. I am satisfied, sir, the sentiments of the people cannot be justly known at this time from the resolutions of a Parliament, composed as the present is, even though no undue influence was practised after the return of the members to the House, even supposing for a moment the influence of all the baneful arts of corruption to be suspended, which, for a moment, I believe, they have not been, under the present profligate administration. Let us examine, sir, with exactness and candour, if the + representation is fair and perfect, let us consider of what the efficient parts of this House are composed, and what proportion

† The representation must be complete. No state, a part of which only is represented in the legislature that governs it, is *self* governed. Had *Scotland* no representatives in the Parliament of *Britain*, it would not be free; nor would it be proper to call *Britain* free, though *England*, its other part, were adequately represented. The like is true, in general, of every country subject to a legislature in which *some* of its parts, or some classes of men in it, are represented, and others not.

Dr. Price's Additional Observations on Civil Liberty, page 6.

proportion they bear on the large scale, to the body of the people of England, who are supposed to be represented.

The southern part of this island, to which I now confine my ideas, consists of about five millions of people, according to the most received calculation. I will state by what numbers the majority of this House is elected, and I suppose the largest number present of any recorded in our journals, which was in the famous year 1741. In that year the three largest divisions appear on our journals. The first is that of the 21st of January, when the numbers were 253 to 250; the second on the 28th of the same month, 236 to 235; the third on the 9th of March, 244 to 242. In these divisions the members for Scotland are included; but I will state my calculations only for England, because it gives the argument more force. The division therefore, I adopt, is that of January 21. The number of members present on that day, were 503. Let me however suppose the number of 254 to be the majority of members, who will ever be able to attend in their places. I state it high, from the accidents of sickness, service in foreign parts,

parts, travelling and necessary stations. From the majority of electors only in the boroughs, which return members to this House, it has been demonstrated that this number of 254 members is elected by no more than 5713 persons, generally the inhabitants of Cornwall, and other very insignificant boroughs, perhaps by not the most respectable part of the community. Is our Sovereign then to learn the sense of his whole people from these few persons? Are these the men to give laws to this vast empire, and to tax this wealthy nation? I do not mention all the tedious calculations, because gentlemen may find them at length in the works of the incomparable Dr. Price, in Postlethwaite, and in Burgh's Political disquisitions. Figures afford the clearest demonstration, incapable of cavil or sophistry. Since Burgh's calculations only one alteration has happened. I allude to the borough of Shoreham in Sussex. By the act of 1771, all the freeholders of forty shillings per annum in the neighbouring rape or hundred of Bramber are admitted to vote for that borough; but many of the old electors were disfranchised. It appears likewise, that 56 of our members are elected by only 364 persons.

per cent. Lord Chancellor Talbot supposed that the majority of this House was elected by 50,000 persons, and he exclaimed against the injustice of that idea. More accurate calculations than his Lordship's, and the advancing rules of political arithmetic, have shown the injustice to be vastly beyond what his Lordship even suspected.

When we consider, sir, that the most important powers of this house, the levying taxes on, and enacting laws for, five millions of persons, is thus usurped and unconstitutionally exercised by the small number I have mentioned, it becomes our duty to restore to the people their clear rights, their original share in the legislature. The ancient representation of this kingdom we find was founded by our ancestors in justice, wisdom, and equality. The present state of it would be continued by us in folly, obstinacy, and injustice.

This evil has been complained of by some of the wisest patriots our country has produced. I shall beg leave to give that close reasoner, Mr. Locke's ideas in his own words. He says, in the treatise on civil government, "Things not always changing
"equally,

" equally, and private interest often keeping up
 " customs and privileges, when the reasons of
 " them are ceased, it often comes to pass, that
 " in governments, where part of the legislative
 " consists of representatives chosen by the peo-
 " ple, that in tract of time this representation
 " becomes very unequal and disproportionate to
 " the reasons it was at first established upon.
 " To what gross absurdities, the following of
 " a custom, when reason has left it, may lead,
 " we may be satisfied, when we see the bare
 " name of a town, of which there remains not
 " so much as the ruins, where scarce so much
 " housing as a sheep-cote, or more inhabitants
 " than a shepherd is to be found, sends as many
 " representatives to the grand assembly of law-
 " makers, as a whole county, numerous in peo-
 " ple, and powerful in riches. This strangers
 " stand amazed at, and every one must confess
 " needs a remedy." After so great an autho-
 rity as that of Mr. Locke, I shall not be
 treated on this occasion as a mere visionary,
 and the propriety of the motion I shall have
 the honour of submitting to the house, will
 scarcely be disputed. Even the members for
 such places as Old Sarum, and Gatton, who

I may

I may venture to say at present *Auct nominis umbra*, will, I am persuaded, have too much candour to complain of the right of their few constituents, if indeed they have constituents, if they are not self-created, self-elected, self-existent, of this pretended right being transferred to the county, while the rich and populous manufacturing towns of Birmingham, Manchester, Leeds, Sheffield, and others, may have at least an equitable share in the formation of those laws by which they are governed. My idea, sir, in this case, as to the wretched and depopulated towns and boroughs in general, I freely own, is amputation. I say with Horace, *Inutilis ramos amputans, felicioris inficit.*

This is not, sir, the first attempt of the kind to correct, although in an inconsiderable degree, this growing evil. Proceedings of a similar nature were had among us above a century past. The clerk will read from our journals what passed on the 26th of March, 1668, on a bill to enable the county palatine of Durham to send two knights for the county, and two citizens for the city of Durham. [The clerk reads.] In a book of authority, Anchitell

Grey's debates, we have a more particular account of what passed in the house on that occasion. He says, that "Sir Thomas Meres moved, that the shires may have an increase of knights, and that some of the small boroughs, where there are but few electors, may be taken away, and a bill for that purpose." We find afterwards, "on a division, the bill was rejected, 65 to 50." This division, however, alludes only to the bill then before the house, respecting the county and city of Durham. I desire to add the few remarkable words of Sir Thomas Strickland in this debate, because I have not seen them quoted on the late important American questions. "*The county palatine of Durham was never taxed in Parliament by ancient privilege before King James's time, and so needed no representatives, but now being taxed, it is but reasonable they should have.*" Such sentiments, sir, were promulgated in this house even so long ago as the reign of Charles II.

I am aware, sir, that the power, *de jure*, of the legislature to disfranchise a number of boroughs,

* Junius in a letter to Mr. Wilkes dated Sept. 7, 1771, and printed at the end of his second volume says, "As

toughs, upon the general grounds of improving the constitution, has been doubted; and gentlemen will ask, whether a power is lodged in the representative to destroy his immediate

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" As to cutting away the rotten boroughs, I am as
 " much offended as any man at seeing so many of
 " them under the direct influence of the crown, or at
 " the disposal of private persons. Yet, I own, I
 " have both doubts and apprehensions, in regard to
 " the remedy you propose. I shall be charged perhaps
 " with an unusual want of political intrepidity, when
 " I honestly confess to you, that I am startled at the idea
 " of so extensive an amputation.---In the first place,
 " I question the power, *de jure*, of the legislature to
 " disfranchise a number of boroughs, upon the gene-
 " ral ground of improving the constitution. There
 " cannot be a doctrine more fatal to the liberty and
 " property we are contending for, than that, which
 " confounds the idea of a *supreme* and *arbitrary* le-
 " gislature. I need not point out to you the fatal
 " purpose, to which it has been, and may be applied.
 " If we are sincere in the political creed we profess,
 " there are many things, which we ought to affirm,
 " cannot be done by King, Lords and Commons.
 " Among these I reckon the disfranchising of bo-
 " roughs with a general view of improvement. I con-
 " sider it as equivalent to robbing the parties concern-
 " ed of their freehold, of their birth-right. I say
 " that, although this birth-right may be forfeited, or
 " the exercise of it suspended in particular cases, it
 " cannot be taken away, by a general law, for any
 " real or pretended purpose of improving the constitu-

" tion.

constituent? Such a question is best answered by another. How originated the right, and upon what ground was it at first granted? Old Sarum and Gatton, for instance, were populous towns,

and

" tion. Supposing the attempt made, I am persuaded
 " you cannot mean that either King, or Lords should
 " take an active part in it. A bill, which only
 " touches the representation of the people, must ori-
 " ginate in the house of commons. In the formation
 " and mode of passing it, the exclusive right of the
 " commons must be asserted as scrupulously, as in the
 " case of a money-bill. Now, sir, I should be glad
 " to know by what kind of reasoning it can be proved,
 " that there is a power vested in the representatives to
 " destroy his immediate constituent. From whence
 " could he possibly derive it? A courtier, I know
 " will be ready to maintain the affirmative. The doc-
 " trine suits him exactly, because it gives an unlimit-
 " ed operation to the influence of the crown. But we,
 " Mr. Wilkes, ought to hold a different language. It
 " is no answer to me to say, that the bill, when it
 " passes the house of commons, is the act of the ma-
 " jority, and not the representatives of the particular
 " boroughs concerned. If the majority can disfranchise
 " ten boroughs, why not twenty, why not the whole
 " kingdom? Why should not they make their own
 " laws in parliament for life? --- When the septennial
 " act passed, the legislature did what, apparently and
 " palpably, they had no right to do; but they did
 " more than people in general were aware of: they,
 " in effect, disfranchised the whole kingdom for four
 " years.

" For

and therefore the right of representation was first given them. They are now desolate, and of consequence ought not to retain a privilege, which they acquired only by their extent and populousness. We ought in every thing, as far as we can, to make the theory and practice of the constitution coincide. The supreme legislative body of a state must surely have this power inherent in itself. It was *de facto* lately exercised to its full extent by parlia-

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" For argument's sake, I will now suppose, that the expediency of the measure, and the power of parliament are unquestionable. Still you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation? --- When you propose to cut away the *rester* parts, can you tell us what parts are perfectly *son*, &c? --- Are there any certain limits in fact, or theory, to inform you at what point you must stop, at what point the mortification ends. To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said on the subject. Besides that I approve highly of Lord Chatham's idea of *infusing a portion of new health into the constitution to enable it to bear its infirmities*, (a brilliant expression, and full of intrinsic wisdom) other reasons concur in persuading me to adopt it, I have no objection, &c."

'The

ment in the case of Shoreham with universal approbation, for near a hundred corrupt voters were disfranchised, and about twice that number of freeholders admitted from the county of Sussex.

It will be objected, I foresee, that a time of perfect calm and peace throughout this vast empire, is the most proper to propose internal regulations of this importance; and that while intestine discord rages in the whole northern continent of America, our attention ought to be fixed upon that most alarming object, and all our efforts employed to extinguish the devouring flame of a civil war. In my opinion,

The man, who fairly and compleatly answers this argument, shall have my thanks and my applause. My heart is already with him. - I am ready to be converted. --- I admire his morality, and would gladly subscribe to the articles of his faith. --- Grateful, as I am, to the GOOD BEING, whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him, from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind, a gift worthy of the divinity; nor any assistance in the improvement of them, a subject of gratitude to my fellow creature, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart.

JUNIUS.

opinion, Sir, the American war is in this truly critical era one of the strongest arguments for the regulation of our representation, which I now submit to the house. During the rest of our lives, likewise, I may venture to prophecy, America will be the leading feature of this age. In our late disputes with the Americans, we have always taken it for granted, that the people of England justified all the ingenuous, cruel, arbitrary, and mad proceedings of administration, because they had the approbation of the majority of this house. The absurdity of such an argument is apparent, for the majority of this house we know speak only the sense of 5723 persons, even supposing, according to the laudable, constitutional custom of our ancestors, that the constituent had been consulted on this great national point, as he ought to have been. We have seen in what manner the acquiescence of a majority here is obtained. The people in the southern part of this island amount to upwards of five millions. The sense, therefore, of five millions cannot be ascertained by the opinion of not 6000, even supposing it had been collected. The Americans with

great reason insist, that the present war is carried on, contrary to the sense of the nation, by a ministerial junto, and an arbitrary faction, equally hostile to the rights of Englishmen, and the claims of Americans. The various addresses to the throne from most numerous bodies, praying that the sword may be returned to the scabbard, and all hostilities cease, confirm this assertion. The capital of our country has repeatedly declared, by various public acts, its abhorrence of the present unnatural civil war, begun on principles subversive of our constitution. Our history furnishes frequent instances of the sense of Parliament running directly counter to the sense of the nation. It was notoriously of late the case in the business of the Middlesex election. I believe the fact to be equally certain in the grand American dispute, at least as to the actual hostilities now carrying on against our brethren and fellow-subjects. The proposition before us will bring the case to an issue, and from a fair and equal representation of the people, America may at length distinguish the real sentiments of freemen and Englishmen.

I do not mean, sir, at this time, to go into a tedious detail of all the various proposals, which have been made for redressing this irregularity in the representation of the people. I will not intrude on the indulgence of the House, which I have always found favourable and encouraging. When the bill is brought in, and sent to a committee, it will be the proper time to examine all the minutiae of this great plan, and to determine on the propriety of what ought now to be done, and to consider what formerly was actually accomplished. The journals of Cromwell's Parliaments prove that a more equal representation was settled, and carried by him into execution. That wonderful, comprehensive mind embraced the whole of this powerful empire. Ireland was put on a par with Scotland. Each kingdom sent thirty members to a Parliament, which consisted likewise of four hundred from England and Wales. It was to be triennial. Our colonies were then a speck on the face of the globe; now they cover half the new world. I will at this time, sir, only throw out general ideas, that every free agent in this kingdom should, in my wish, be represented in

Parliament; that the metropolis, which contains in itself a ninth part of the people, and the counties of Middlesex, York, and others, which so greatly abound with inhabitants, should receive an increase in their representation; that the mean, and insignificant boroughs, so emphatically styled *the rotten parts of our constitution*, should be lopped off, and the electors in them thrown into the counties; and the rich, populous, trading towns, Birmingham, Manchester, Sheffield, Leeds, and others, be permitted to send deputies to the great council of the nation.

The disfranchising of the mean, venal, and dependent boroughs would be laying the axe to the root of corruption and treasury influence, as well as *aristocratical tyranny*. We ought equally to guard against those, who sell themselves, or whose Lords sell them. Burthened tenures, and private property in a share of the legislature, are monstrous absurdities in a free state, as well as an insult on common sense. I wish, sir, an English Parliament to speak the free, unbiased sense of the body of the English people, and of every man among us, of each individual, who may justly be supposed

held to be comprehended in a fair majority. The meanest mechanic, the poorest peasant and day-labourer, has important rights respecting his personal liberty, that of his wife and children, his property, however inconsiderable, his wages, his earnings, the very price and value of each day's hard labour, which are in many trades and manufactures regulated by the power of Parliament. Every law relative to marriage, to the protection of a wife, sister, or daughter, against violence and brutal lust, to every contract or agreement with a rapacious or unjust master, is of importance to the manufacturer, the cottager, the servant, as well as to the rich subjects of the state. Some share therefore is the power of making those laws, which deeply interest them, and to which they are expected to pay obedience, should be reserved even to this inferior, but most useful, set of men in the community. We ought always to remember this important truth, acknowledged by every free state, that all government is instituted for the good of the mass of the people to be governed; that they are the original fountain of power, and even of revenue, and in all events the last resource.

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The various instances of partial injustice throughout this kingdom will likewise become the proper subjects of enquiry in the course of the bill before the committee. Of this nature are the many freeholds in the city of London, which are not represented in this House. These freeholds being within the particular jurisdiction of the city, are excluded from giving a vote in the county of Middlesex, and by act of Parliament only liverymen can vote for the Representatives of the City of London. These, and other particulars, I leave. I mention them now to shew the necessity of a new regulation of the representation of this kingdom.

My enquiries, sir, are confined to the southern part of the island. Scotland I leave to the care of its own careful and prudent sons. I hope they will spare a few moments from the management of the arduous affairs of England and America, which are now solely entrusted to their wisdom, and at present so much engross their time, to attend to the state of representation among their own people, if they have not all * emigrated to this warmer and

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* Without any abstract reasoning upon causes and effects, we shall soon be convinced by *experience*, that the Scots, transplanted from their own country, are always

more fruitful climate. I am almost afraid the forty-five Scottish gentlemen among us represent themselves. Perhaps in my plan for the improvement of the representation of the inhabitants of England, almost all the natives of Scotland may at this time be included. I shall only remark, that the proportion of representation between the two countries cannot be changed. In the twenty-second article of the treaty of Union forty-five is to be the proportion of the representative body in the Parliament of Great-Britain for the northern part of this Island. To increase the members for England and Wales beyond the number, of which the English Parliament consisted at the period of that treaty in 1706, would be a breach of public faith, and a violation of a solemn treaty between two independent states. My proposition has for its

basis

always a distinct and separate body from the people who receive them. In other settlements, they only love themselves; -- in *England*, they cordially love themselves, and as cordially hate their neighbours.

Junius. Preface, p. 25.

The *weasel Scots* are hungry, and want feeding.
Epistle to Dr. Shebbeare.

The *eagle England* being in prey,
To her unguarded nest the *weasel Scot*
Comes sneaking, and so sucks her princely eggs.
Shakespeare.

basis the preservation of that compact, the proportional share of each kingdom in the legislative body remaining exactly according to its present establishment.

The monstrous injustice and glaring partiality of the present representation of the commons of England has been fully stated, and is, I believe, almost universally acknowledged, as well as the necessity of our recurring to the great leading principle of our free constitution, which declares this House of Parliament to be only a delegated power from the people at large. Policy, no less than justice, calls our attention to this momentous point. Reason, not custom, ought to be our guide in a business of this consequence, where the rights of a free people are materially interested. Without a true representation of the Commons our constitution is essentially defective, and our Parliament a delusive name, a mere phantom. All other remedies to recover the pristine purity of the form of government established by our ancestors would be ineffectual, even the shortening the period of Parliaments, even a place and pension bill, both which I highly approve, and think absolutely necessary

necessary. I therefore flatter myself, sir, that I shall have the concurrence of the House with the motion, which I have now the honour of making, " That leave be given to bring in a bill for a just and equal representation of the people of England in Parliament."

Votes of April 30, 1776.

A Motion was made, and the Question being put, " That the Resolution of this House of the 17th of February 1769, that John Wilkes, Esquire, having been in this Session of Parliament expelled this House, was, and is, incapable of being elected a Member to serve in this present Parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

Mr. Wilkes said,

Mr. Speaker,

The veneration, with which I am deeply impressed for the constitution of my country, the love and affection of a native to the noble privileges, the laws and liberties of England, as

as well as duty and gratitude to the much injured freeholders of Middlesex, are the powerful motives of my again troubling the House with a question so frequently agitated within these walls, so fully discussed even the last session, although not hitherto followed with the success, which I hope on the present occasion.

The profligacy, venality, and open attempts against liberty by the last House of Commons, have made their memory odious to the people. The annals of our country are disgraced with their various violations of the rights of the subject. I shall now confine myself to a single case, but it was of the blackest nature, of the deepest dye, and branched out into many enormities, which still demand ample atonement. I allude to the iniquitous and *daring*[†] resolutions

[†] The Speech of the Speaker, Sir Fletcher Norton, when he reprimanded the Returning Officer of Shoreditch, *Hugh Roberts*, on his knees.

In vain have our ancestors been anxiously careful to secure the freedom of elections, by all the means human wisdom and foresight could suggest; in vain have they particularly guarded against the partiality of the Returning Officer, and obliged him, by every tie, to a faithful discharge of that trust, which the Constitution hath reposed in his hands, *if men are to be found DARING enough to send members to this House, WHO WERE NEVER CHOSEN BY THE LEGAL ELECTORS.*

tions respecting the elections for the county of Middlesex, and the seating Mr. Luttrell in the House, although he had confessedly only a minority of the suffrages of the freeholders, in whom the constitution has placed the right of election.' While these resolutions, sir, remain among our records, I consider a precedent established under the sanction of this House to rob not only a whole county, but the entire collective body of electors of this kingdom, of their birthright, and most valuable inheritance. It is a precedent, which may be brought home to every borough, city, and county, to every freeholder, every elector in the island.

' The facts were fully stated to the House in the debate on this subject the last year, and I am persuaded they live in the memory of every gentleman. I shall desire the Clerk to read only one resolution. It is that of February 17, 1769, " That John Wilkes, Esq; having been, in this session of Parliament, expelled this House, was, and is, incapable of being elected a member to serve in this present Parliament." This declaration, in my opinion, transfers from the people to this House the

right of election, and by an unbounded, uncontroled exercise of the negative power, the House in effect assume the positive right of making whom they please the representatives of the people in Parliament. I am very ready to admit that there are various natural and legal incapacities, and when the party is subject to any one of them, he is not eligible. Aliens, minors, bishops, are incapable of being elected into a House of Commons. Besides these, there are other incapacities arising from the peculiar circumstances of the case, and some created by particular statutes. Where however there is no natural or legal disability, the capacity of being elected is the inherent right of every freeman of the realm. He cannot be divested of it without an equal injury to the party, and to the constituent, in whom the power is constitutionally lodged of determining whom he thinks the most fit and proper person to act for him in the great council of the nation. The declaration of the House therefore, that any man, duly qualified by law, shall not be allowed to sit in Parliament as a representative of the Commons of the realm, was assuming to themselves the making

making a new law, to which only the three estates are adequate. It was disfranchising a whole county, and consequently in effect the united kingdom.

The public attention has been so long fixed on this important business, that it would be the weakest and vainest presumption in me to attempt any new arguments in support of a right acknowledged by every man, who is not in a detestable league for the subversion of all our rights, liberties, and franchises. I shall not enter on a dull repetition of the debates, which for the last seven years have come on every session, nor repeat a multitude of cases and precedents ; but while I have a seat in this House, I pledge myself to my country, that I will be firm and unwearied in my endeavours, till every syllable on our Journals, which marks the injustice done to the freeholders of Middlesex, and to every elector in the island, be fully erased or obliterated.

Since the debate, however, on this question in the last session, almost within a fortnight after, a case respecting the election at Abingdon was determined here in a manner diametrically opposite to one part of this pretend-

ed law of Parliament, which has been solemnly laid down by all the advocates of the ministry in the affair of Mr. Luttrell. They argued, that all the votes given to Mr. Wilkes were thrown away, because they were given, as they asserted, to a person labouring under a legal incapacity, and consequently Mr. Luttrell, with only 296 freeholders, was entitled to his seat in preference to the other candidate with 1143. The majority of the electors of Middlesex, sir, fully answered this argument in that remarkable *petition* presented to the House by the worthy *baronet near me, on the 29th of April, 1769, in which they asserted, "that Mr. Luttrell had not the majority of legal votes; nor did they, when they voted for Mr. Wilkes, mean thereby to throw away their votes, or to waive their right of representation, nor would they, by any means, have chosen to be represented by Mr. Luttrell." Notwithstanding this petition, the House, on the 8th of May following, declared-

Mr.

* Sir George Savile,
Than whom a better senator ne'er held
The helm of Rome, when gowas not arms repell'd
The fierce Epirot, and the African bold.

MILTON,

Mr. Luttrell duly elected. Now let us examine the still more recent case of the Abingdon election, the determination of the select committee, with all the proceedings of the present Parliament in that business. I will state them briefly, and shall afterwards desire the clerk to read from the Journals the more important passages. Mr. Bayley's petition was presented to this House on the 6th of December, 1774. It was confined to one single objection, the legal disqualification of the other candidate, no accusation of bribery or corruption, riots, unfair practices, or illegal votes, being exhibited. It stated, "that at the place of election, and before the taking of the poll, the mayor of the said borough and the other electors were publicly told, that as the other candidate, Mr. John Mayor, was then high sheriff of that county, he was incapable of being chosen a member to represent the said borough in this present Parliament; and that all votes given for the said high sheriff would be thrown away; notwithstanding which, the mayor of the said borough did himself vote, and also received the votes of divers other persons for the said high sheriff; and that the

" said high sheriff hath returned himself as
 " duly elected for the said borough, in mani-
 " fest prejudice of the petitioner, who, being
 " the only candidate capable of being elected,
 " ought so have been returned." The facts,
 as stated in the petition, were admitted, as
 well as the numbers at the close of the poll,
 for Mr. Mayor 146, for Mr. Bayley only 316.
 The great question was, whether, if Mr.
 Mayor was not eligible, the votes for him were
 thrown away, and Mr. Bayley, who had not
 the majority of electors, should be declared
 duly elected? The select committee, on the
 6th of March, 1779, reported, that neither
 Mr. Mayor, nor Mr. Bayley, was duly elect-
 ed, and that the election was void. The
 House immediately directed a new writ to issue
 for Abingdon. The ministerial advocates,
 who insist on Mr. Wilkes's legal incapacity,
 can scarcely find a case more exactly parallel.
 It is equalled only by the well-known prece-
 dents of Mr. Walpole, and Mr. Taylor, in
 1714. Yet the burgesses of Lynn were not
 insulted; by having a gentleman declared their
 representative, whom they never elected. The
 Abingdon case was of the most public noto-
 riety.

sity. The returning officer, and all the electors of Abingdon, were publicly informed of Mr. Mayor's legal incapacity. Mr. Bayley polled near half the voters of that borough. His opposition however being not to a friend of liberty and the people, but having made the attack on a *subaltern in the Ministerial forces*, he had little chance of being an adopted child of the House, or of a committee selected from the present majority.

The arbitrary resolution on our Journals, and the appointment of Mr. Lottrell, I consider as an absolute surrender of the constitution to the minister. The laws of the land are of no avail, when this House alone can make a new law, adapted to the caprice, violence, or injustice of every emergency, and when representation in Parliament no longer depends upon the choice of the electors. The people of England may in vain assemble with the fondest hope of effectually exercising their noblest franchise, if the object of their choice is really what he ought to be, an independent friend of liberty, superior to menace or corruption. The minister has found out a way to baffle them in all their proceedings. He may,

on any pretence, however frivolous, procure an *expulsion*, and *expulsion*, we know, means *incapacitation*; so that during a long period of seven years, the favourite object of a country's choice may be kept out, and the nominee of a minister be declared to represent a populous county. Can there be a more solemn mockery of the rights of a free people?

While such arbitrary resolutions as those respecting the Middlesex elections remain on our Journals, I think the minister holds high the rod of vengeance over the head of every member of this House. He stands here with an uplifted arm, *sublimi flagello*, to punish the refractory, and almost every action of the majority seems to betray their being either swayed by the dastardly passion of fear, or corrupted by the mean principle of reward. We are governed by Solon's plan, *præmia et pæna*, as Cicero has summed it up in three words, Is a member obnoxious or unruly? Accuse him of a libel, or any other crime; then vote away your own privileges to get at him; and before the cause can come to a trial by a jury of his countrymen *on each*, examine, two or three partial and well-instructed witnesses *under* such

such *sanction*, and you may proceed immediately to expulsion. You then vote him incapable of being re-elected. The creature of the minister is received in his place, and declared a representative of the people. A House of Commons may in this manner be so garbled, as not to contain a single fair and honest representative, elected according to the law of the land.

The motion of expunging from our records the resolutions of which I complain, is I know considered by some gentlemen as a violent measure. The case, I think, requires the most spirited mode of redress. I wish as full atonement to the people as possible. The last Parliament gave us an instance of expunging from our Journals what never ought to have been moved in this House, the thanks to a stupid + tory parson, of the rank Oxford breed

† Journals of Feb. 15, 1772, Vol. 33, p. 509.

The House was moved, That the Entry in the Votes of the House, of the 31st day of January last, "that the thanks of this House be given to the Reverend Doctor Nowell, for the Sermon preached by him yesterday before this House, at St. Margaret's West minister, and that he be desired to print the same, &c, &c," might be read.

breed, for a fibet on the Revolution, and the present establishment, in a sermon preached on the anniversary of the merited death of the tyrant, Charles I. If so trifling a business as a foolish

Resolved, That the said Entry be expunged from the Votes of this House.

The tory fame of the wretched *Doctor Newell* has lately suffered a total eclipse by a pedantic schoolmaster of Westminster, promoted to the Archbishopsrick of York in Dec. 1776, a *Doctor William Markham*. He preached a sermon, all-powerful to *soothe the soul in slumbers*, at Bow Church in the City, Feb. 11, 1777, before the Incorporated Society for the Propagation of the Gospel in foreign parts. In what a *meek spirit of christianity*, of gentleness, patience, and forbearance, does this Minister of the gospel of peace state the nature, and bewail the wickedness, of the deluded parties among us? By what tender bonds of love and charity does this *High Priest* endeavour to bring over the noblemen and gentlemen in the opposition to the court paths of honour, peace, and perhaps preferment? His Grace observes,

" nothing is too mean for the uses of parties, as they are
" now constituted. Parties once had a principle belong-
" ing to them, absurd perhaps, and indefensible, but still
" carrying a notion of duty, by which honest minds
" might easily be caught. But they are now combi-
" nations of individuals, who instead of being the
" sons and servants of the community, make a league
" for advancing their private interests. It is their
" business to hold high the notion of political honour.
" I believe and trust it is not injurious to say, that
" such a bond is no better than that, by which the lowest
" and

foolish persons, neither heard nor read by a score persons, called for so spirited a measure, can it be deemed improper or violent, when the rights of all the electors of the kingdom have been openly invaded, and the usurpation justified

"and wickedest combinations are held together; and that
"it denotes the last stage of political depravity."

And is really the union in a great national cause of such men as have composed the present opposition, and set their names to the spirited Protests of the very last session, the Portlands, Riemonds, Devonsires, Manchesters, Rockingham, Abingdon, Cheshires, Shetburnes, Effingham, Fitzwilliams, Toringtons, &c, &c, and of the Sawles, Cavendishes, Townshends, Johnstones, Glyns, Wrayes, Burkes, Barres, &c, &c, is such a combination of individuals in the two Houses of Parliament to be considered as a bond no better than that, by which the lowest and wickedest combinations are held together? Are they really no better than the lowest and wickedest combinations of pirates and banditti? Are they really no better than gangs of robbers and highwaymen?

Ne levi, magna sacerdos.

Virgil. Æn. 6. l. 544.

Burely instead of this coarse compliment we might expect a little favour from his Grace, when he assures us, "the apostles themselves, with all their advantages, were not easily freed from the entanglement of popular error." If the inspired Apostles did indeed err, we uninspired private christians might expect some indulgence, not inquisitorial severity on account of our popular errors, not to be considered as in a desperate case, in the last stage of political depravity. I believe and trust it is injurious to say this.

This

justified by gentlemen in the highest offices under the crown ? The circumstance is truly alarming, and demands the utmost exertions of an honest zeal and generous ardour for the public weal.

I own that I am not so nice and scrupulous about preserving every line of the immensity of the learned lumber in our Journals. They are become

This political sermon tells us, "what is assumed upon the present occasion is the glorious nature of LIBERTY. It realizes and secures all the rest; and by those, who are in the enjoyment of it, ought to be maintained at all hazards." Have not the Americans on this just ground taken up arms? *"But it remains to be settled."* Was it not settled by the Revolution? *"Wherein does it consist?"* St Paul, in the Epistle to the Romans, has answered this question of the Archbishop of York. He makes *liberty, glorious liberty,* consist in being delivered from the *bondage of corruption,* a *prayer,* which is often made by the people of England for the *High Court of Parliament.* The Apostle says, *"because the creature itself also shall be delivered from the bondage of corruption into the glorious liberty of the children of God."* chap. 8, ver. 21. The Archbishop goes on, *"I have sometimes thought it a misfortune, that a thing so valuable and important, should have no word in our language to express it, except one which goes to every thing that is wild and lawless."* Does the signification of the word *liberty* really go to every thing that is *wild and lawless?* Has this learned Prelate, who is so deep in Latin, Greek,

He-

become the mere registers of royal edicts, of turnpike roads, enclosures, and matters of private business. There are many whole pages disgraceful to the nation among our *trivial, foul records*. My heart bleeds, when I read all the unjust and inhuman reso-

lutions

Hebrew, the Coptic, Persian, Chaldaic, Arabic, Syriac, Phoenician, Pa'myxene, Chinese, Gestoo, &c, &c, who in himself a perfect *Polyglott*, has he never heard of the English words *licentiousness* and *licence* to express every thing that is *wild and lawless*, as distinguished from *liberty*. *Pensioner Johnson's Dictionary* would have told him that *licentiousness* is "boundless liberty, a contempt of just restraint." He might there have found the authority of *Swift*, who says, "this custom has been always looked upon, by the wisest men, as an effect of *licentiousness*, and not of *liberty*." He would in the same dictionary have found that "*licence*" "is exorbitant *liberty*, contempt of *legal* and necessary *restraint*." *Milton* understood the difference between *liberty* and *licence*, as well as *Swift* did between *liberty* and *licentiousness*, although the *Archbishop of York* seems to understand neither. The English Homer says, "Licence they mean, when they cry *liberty*." The English *language* is not reproached with poverty, but by those, who are ignorant of it.

What a melancholy consideration is it for the rising generation, that an illiberal Priest, one of

The low-born, cell-bred, selfish, servile band, although now promoted to be a general officer in the *fable army* of the ministerial mercenaries of the *Char. Militant* in the House of Lords, that such a

Sitions against our fellow subjects in America, the fleets and armies voted for the vain attempt of subduing the unconquerable spirit of liberty among the descendants of Englishmen. When I reflect on the subsequent proceedings, the barbarous and savage manner in which you have carried on the war, by attempting to starve thousands of industrious fishermen, and labouring poor, with their families, as well as the burning open and defenceless towns and villages, I wish, for the national humanity and honour, which formerly

ly

man should have been Preceptor to the children of England, to the Prince of Wales, and Bishop of Osnabrough? Was a mere bookworm, who does not yet know the meaning of the most important word in the language of this free country, who is equally ignorant of the thing, and is found stumbling at the very threshold of *liberty*, was such a person fit for such a charge? *The child that is born may run the fatal mistake.* Is the next age likewise to deplore the mischievous errors of the bad education of their prince?

I was really forced to remind his Grace of the Apostle Paul. May I softly whisper in his ear a few words of St Peter, because they are a good receipt to cure magisterial pride and petulance? *As free, and not using your liberty for a cloak of MALICIOUSNESS---but as men, have the brotherhood.*

The First Epistle General of Peter,
ch. ii. v. 16, 17. *

ly stood so high, that these black pages of our Journals, and every trace of the cruelties and horrors which followed, were obliterated from the records of this House, of this Kingdom, of the human race.

In justice to the usurped and violated rights of this country, in a full sense of duty to all my brother electors at large, and to prevent the most fatal and pernicious precedent being ever used by a wicked and ill-designing minister to the destruction of the sacred right of election, of national freedom, and independency, I move,

" that the resolution of the House of the 17th
 " of February, 1769, that John Wilkes, Esq;
 " having been in this session of Parliament ex-
 " pelled this House, was and is, incapable of sit-
 " ting in the present Parliament, be expunged
 " from the journals of this House, as being
 " subversive of the rights of the whole body
 " of the electors of this kingdom."

VOTES OF OCTOBER 31, 1776.

Resolved, " That an humble address be pre-
 " sented to His Majesty, to return His Ma-
 " jesty the thanks of this House, for His most
 " gracious Speech from the Throne:

To

"To assure His Majesty, " that while we
 " lament the continuance of the troubles
 " which have so long distracted His Colonies in
 " North America, and of the calamities and
 " oppressions which our unhappy Fellow Sub-
 " jects are still suffering under the arbitrary
 " tyranny of their leaders, we cannot forbear
 " to express our detestation and abhorrence of
 " the audacious and desperate spirit of ambi-
 " tion, which has at last carried those Leaders
 " so far, as openly to renounce all allegiance
 " to the Crown, and all political connection
 " with this country; and in direct terms to
 " presume to set up their *rebellious confederacies*
 " for Independent States," &c. &c.

Mr. Wilkes said,

Mr. Speaker,

The † honourable gentleman, who spoke
 last, endeavours to mislead the House. It is
 certain that no pressing has at this time been
 carried on in the city of London, or its liber-
 ties. No press-gangs have dared to make their
 appearance in that jurisdiction. Those lawless
 bands

† George Wombwell, Esq.; Member for Hunting-
 ton.

bands of cruel banditti very prudently chose other scenes of horror and bloodshed, of less danger to themselves. The city has hitherto remained in perfect safety and tranquility, in a most happy state of security, by the vigilance, intrepidity, and noble love of liberty, which are conspicuous in its present worthy ^t chief magistrate.

The conduct of Administration, Sir, in the late issuing of press-warrants, before they had tried the operation of the high bounty, is totally unjustifiable. The Speech now in your hand, Sir, is so very pacific, that the large bounty of five pounds for every able, and fifty shillings for every ordinary, seaman, promised in last Saturday's Gazette, might safely, for a short time at least, have been trusted to, the emergency not being thought by administration very critical. From the minister's own state of public affairs in the Speech there was no danger in the experiment. Much cruelty and bloodshed had been avoided, many valuable lives preserved.

The affair of Long Island has been misrepresented, and greatly magnified. The su-

VOL. I. K periority

^t Mr. Sawbridge, Member for London, then Lord Mayor.

periority of numbers was very considerable. General Howe landed 32,000 men. The provincials had only 6,000 effective men on that island. They were ordered to retreat, and 4,000 did accordingly, without being attacked, embark for the island of New-York. There was a *real mistake* of orders as to the other 2,000, but they acted as brave men always will act under a *mistake of orders*; they fought. They saw the enemy, left their entrenchments, and attacked with spirit. From the superiority of numbers, and their flanks being neglected and unguarded, they were totally defeated. They did not however remain inactive, like cowards, on an important day of battle. No such imputation can be fixed on them. Nothing decisive can follow from the late successful affair against the Americans on Long Island, no more than from the defeat of the British troops at Sullivan's island. New York will probably fall into your hands, but your situation will in that case be scarcely mended since the last year, for you then possessed the capital of North America, Boston. Is that great and important town advantageously exchanged for New York? I forgot
that

that we still likewise possess the fishing hamlet of Halifax.—But, Sir, we ought to take a much larger and more comprehensive view of this interesting scene, which is now fully disclosed.

The important dispute of Great Britain with her colonies has for a considerable time fixed the attention, not only of this nation, but of almost all Europe. The most essential interests of this country, and indeed of the greater part of the powers on the continent, are deeply interested in the event. The sacrifice of so much blood and treasure is to every state an object of high importance, but to us, whose empire seems tottering away, of the utmost concern. I much fear we are now brought by inevitable difficulties to the very verge of destruction.

Since our last meeting, Sir, the scene, with respect to America, has totally changed. Instead of negotiations with various provincial assemblies, instead of deliberating on the most effectual mode of enforcing the parchment declaration of our [†] *constitutional superiority over*

[†] The late administration came into employment under the mediation of the Duke of Cumberland, July

our Colonies, of our right to bind them in all cases whatsoever, we must consider if we have power to bind them in any case, for we have now at war to carry on against the Free and Independent States

July 10, 1765, and was removed, upon a plan settled by the Earl of Chatham, on July 30, 1766, having lasted one year and 25 days.

In that space of time
 The distinctions of the British Empire were composed by
 "The Repeal of the American Stamp-Act,"
 But the *constitutional superiority of Great Britain*
 was preferred by . . .
 "The Act for securing the dependence of the Colonies,"
 &c., &c.

A short Account of a late Administration.

[published in August 1766.]

The Act; commonly called the *Declaratory Act*, is so much the subject of political dispute, that I shall give it entire from the Statutes at large.

Anno Sexto Georgii III. A. D. 1766.

An Act for the better securing the Dependency of His Majesty's Dominions in America upon the Crown and Parliament of Great Britain.

Whereas several of the Houses of Representatives in His Majesty's Colonies and Plantations in America, have of late, against Law, claimed to themselves, or to the General Assemblies of the same, the sole and exclusive right of imposing Duties and Taxes upon His Majesty's subjects in the said Colonies and Plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders, derogatory to the

States of America; a wicked war, which has been occasioned solely by a spirit of violence, injustice, and obstinacy in our ministers, unparalleled in history. In the beginning of

K 3.

Sep-

the legislative authority of Parliament, and inconsistent with the dependency of the said Colonies and Plantations upon the Crown of Great Britain; May it therefore please your most excellent Majesty, that it may be declared; and be it declared by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Colonies and Plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon, the imperial Crown and Parliament of Great Britain; and that the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament assembled, had, hath, and of right ought to have, full power and authority to make Laws and Statutes of sufficient force and validity to bind the Colonies and People of America, Subjects of the Crown of Great Britain, in all cases whatsoever.

II. And be it further declared and enacted by the authority aforesaid, That all Resolutions, Votes, Orders, and Proceedings, in any of the said Colonies or Plantations, whereby the power and authority of the Parliament of Great Britain, to make Laws and Statutes as aforesaid is denied or drawn into question, are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever.

The

September, in the last year, † a very humble and dutiful Petition was sent from the congress to his Majesty, in which his Majesty was supplicated "to direct some mode, by which the united applications of his faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation." There was not a word in the petition which did not breathe submission and loyalty, and yet the official answer of Lord Dartmouth, secretary at that time for the American department, after a long deliberation, was to the last degree irritating. It was, *that no answer would be given,*

The *Declaratory Act*, and the *Repeal of the American Stamp-Act*, received the Royal Assent on the same day, March 18, 1766, in the Administration of the Marquis of Rockingham.

† The strong desire of peace and reconciliation in the inhabitants of Massachusetts Bay, which has been always considered as the most violent as well as powerful of all the American colonies, even immediately after the *murders* by the King's troops at Lexington and Concord, on the 19th of April, 1775, is conspicuous in their "Address to the inhabitants of Great Britain."

In Provincial Congress. Watertown;
April 26, 1775.

Friends, and Fellow Subjects,

Holilities are at length commenced in this colony by the troops under command of General Gage, Sec. &c.
Theic,

given, that is, we will not treat, we scorn to negotiate with you, we exact unconditional submission. This answer, Sir, in my opinion, might justly be called *indignity and insult*, and in a much higher degree than what the Speech says the Americans have offered to England, after all the provocations on our part. It drove the Americans to despair, and with the violation of the perfidious promises in Lord

K. 4

Hillsborough's

These, brethren, are marks of ministerial vengeance against this colony, for refusing, with her sister colonies, a submission to slavery; but they have not yet detached us from our royal sovereignty; we profess to be bis loyal and dutiful subjects; and so hardly dealt with as we have been; are still ready with our lives and fortunes to defend his person, family, crown, and dignity; nevertheless to the persecution and tyranny of his cruel ministry, we will not tamely submit; appealing to Heaven for the justice of our cause, we determine to die or be free.

We cannot think that the honour, wisdom and valour of Britons will suffer them to be longer inactive spectators of measures in which they themselves are so deeply interested; measures pursued in opposition to the solemn Protests of many noble Lords, and expressed sense of conspicuous Gentlemen, whose knowledge and virtue have long characterized them as some of the greatest men in the nation; measures executing contrary to the interest, petitions and resolves of many large respectable counties, cities, and boroughs in Great Britain; measures highly incompatible with justice

Hillsborough's famous official & circular letter, laid the real foundation of their *Declaration of Independency.*

Much has been said, Sir, of the prophecy of the ministers, that the Americans would in the end declare themselves *independent*. I give the ministers no credit for such a prophecy. They went on the surest grounds. They might very safely promulgate such a prediction, when they knew that the unjust and sanguinary measures, which they intended to pursue, must bring about the event.

just ce, but still pursued with a specious pretence of easing the nation of its burthens; *measures* which, if successful, must end in the ruin and slavery of Britain, as well as the persecuted American colonies.

We sincerely hope that the great Sovereign of the Universe, who hath so often appeared for the English nation, will support you in every rational and manly exertion with these colonies for saving it from ruin, and that in a constitutional connection with our mother country, we shall soon be altogether a free and happy people.

Signed by Order,

JOS. WARREN, President,

¶ The Circular Letter of the Earl of Hillsborough, Secretary of State for the Colonies, to all the Governors on the Continent and Islands.

Whitehall, May 13, 1769.

Inclosed I send you the gracious Speech made by the King to his Parliament at the close of the Session on Tuesday last.

What

event. They drove the Americans into their present state of *independency*. The Jesuits in France risked nothing, when they prophesied in 1610 the death of the best prince that ever reigned in Europe, within that year. Their's was the *sure word of prophecy*. They employed Ravaillac to assassinate their sovereign.

An

What His Majesty is pleased to say in relation to the measures which have been pursued in North America will not escape your notice, as the satisfaction His Majesty expresses in the approbation his Parliament has given to them, and the assurances of their firm support in the prosecution of them, together with his royal opinion of the great advantages that will probably accrue from the concurrence of every branch of the legislature in the resolution of maintaining a due execution of the laws, cannot fail to produce the most salutary effects.

From hence it will be understood, that the whole legislature concur in the opinion adopted by His Majesty's servants, that no measure ought to be taken which can any way derogate from the legislative authority of Great Britain over the Colonies; but I take upon me to assure you, notwithstanding insinuations to the contrary from men with factious and seditious views, that His Majesty's present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America for the purpose of *raising a revenue*, and that it is at present their intention to propose in the next Session of Parliament to take off the duties upon glass, paper and colours

A most honourable & gentleman near me, Sir, attacks the American Declaration of Independence in a very peculiar manner. He pronounces it a wretched composition, very ill written, drawn up only with the view to captivate the people. That, Sir, is the very reason why I approve it most as a composition, as well as a wise, political measure, for the people are to decide this great controversy. If they are captivated by it, the end is attained. The polished periods, the harmonious, happy expressions, the grace, ease, and elegance of a beautiful diction, which we chiefly admire, very little captivates the people of America. Manly, nervous spirits they relish, even in the most awkward and un-

eouth

lous upon consideration of such duties having been laid contrary to the true principles of commerce.

These have always been, and still are, the sentiments of His Majesty's present servants, and the principles by which their conduct with respect to America has been governed, and His Majesty relies upon your prudence and fidelity for such an explanation of His measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her Colonies, and to re-establish that mutual confidence and affection upon which the glory and safety of the British empire depend.

† Governor Johnstone, Member for Appleby.

couth dross of language. Whatever composition produces the effect which is intended in the most forcible manner, is, in my opinion, the best, and the most to be approved. That mode should always be pursued. It has the most merit, as well as success, on the great theatre of the world no less than on the stage, whether you mean to inspire pity, anger, or any other passion.

The honourable gentleman, Sir, who seconded the address, says, the American *Declaration of Independence* was no surprise to him—not I believe, Sir, to any man of common reflection, after our hostilities and cruelties, after the frantic and extravagant career, which administration pursued, with a full chorus of approbation from the majority of this House.

The speech in your hand, Sir; which an honourable gentleman near me has well called *a speech of hypocrisy*, mentions the "assurances" of amity, which His Majesty continues to "receive from the several courts of Europe." At the beginning of the last session, the minister gave us in the King's speech more explicit

^f George Finch Hatton, Esq; Member for Rochester.
¹ Governor Johnstone.

plicit assurances. It was said, "I am happy
 " to add, as well from the assurances I have
 " received, as from the general appearance of
 " affairs in Europe, I see no probability that
 " the measures, which you may adopt, will be
 " interrupted by disputes with any foreign
 " power." We have no such assurances held
 out to us this year, that our measures will not
 be interrupted by disputes with any foreign
 power; but we have still assurances of amity,
 which are daily contradicted by the immense
 preparations of the neighbouring foreign pow-
 ers of France and Spain, and indeed of the
 whole house of Bourbon. The accounts from
 Naples contain little but the vast preparations
 making by the king of the two Sicilies. Are
 we indeed simple and credulous enough to
 trust to general vague expressions of politeness,
 against the clear evidence of facts? Our mi-
 nistry know very well that an American pri-
 vateer being lately stopped at Bilboa in Biscay,
 an express was immediately dispatched to Ma-
 drid, which returned with the fullest directions
 for the release of the privateer, and permission
 to furnish him with provisions, stores, ammu-
 nition, in short, with whatever he wanted. This

fact

fact will not be denied. Is Spain then one of the foreign powers, which again soothes us with these honied assurances of amity? Has fate ordained, that we are neither to possess capacity enough to profit by the example of others, nor even by our own experience? In the very first year of the present reign, in September 1761, the Gazette told us, that "the Catholic king had, at no time, been more intent upon cultivating a good correspondence with England, than in the present conjuncture." This declaration was received seriously here, held out as part of the court creed among us, and laughed at by all the rest of Europe. In the beginning of the following January, without any one new fact having occurred of any moment, war was declared by England against Spain. Will the plausible, smooth-tongued French likewise be able to lull us into a fatal security against the evidence of all history? Can we expect to be treated by them in any other manner than the Spaniards were at the time of the famous revolt of Portugal? The French sent whole regiments, completely officered, into the service of the house of Braganza. They paid them under-

hand

hand the same as their national troops, yet all the while declared their abhorrence of rebellion and of rebels, issuing proclamation after proclamation, and recalling their deserters under the most severe penalties. Sir, there is not a power in Europe, unsubsidized by Great-Britain, which does not wish success to the Americans. We are considered almost every where on the continent, in the odious light of + tyrants and oppressors.

The

+ A French gentleman, whose universal genius is no less admired at Petersburg than at Paris, after mentioning some *Décesses* in the English House of Commons on American Affairs, writes to his friend at London.

J'en ai aussi fait un, et le voici. " Monsieur, je ne vous parlerai point de la justice ou de l'injustice de votre conduite. Je sens bien que ce mot n'est que du bruit, quand il s'agit de l'intérêt général. Je pourrais vous parler de vos moyens de réprimer ; et vous demander si vous êtes assez forts pour jouer le rôle d'opresseurs. Cela toucheroit un peu de plus près à la question ; cependant je n'en faisai rien. Mais je m'attendrai à vous supplier de jeter les yeux sur les nations qui vous haïssent. Interrogez-les ; voyez ce qu'elles pensent de vous, et dites moi jusqu'à quand vous avez refusé de faire rire vos ennemis."

Il paroît ici un papier qu'on dit être d'un homme important de votre nation. Il paroît par ce papier que

je

The speech, Sir, states, that "if treason be suffered to take root, much mischief must grow from it to the safety of my loyal colonies." Alas! Sir, what we call treason and rebellion, and they just resistance and a glorious revolution, has taken root, a very deep root indeed, and has spread over almost all the American colonies. In this very speech, we are told of their numbers, their wealth, their strength by sea and land. The loyal colonies are those, the free provinces thirteen. In laying on the embargo, the exception to the rule is ridiculous enough. It is as thirteen to three. The Gazette says, "any of my colonies in North America, except the colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower countries on

" Dec-

le projet secret de la mere patrie, est de faire égorger la moitié des colonies, et de reduire le reste à la condition des negres.

Nothing surely could be more lamentable to those who remember the flourishing days of this kingdom, than to see the insane joy of several unhappy people, amidst the sad spectacle which our affairs and conduct exhibit to the scorn of Europe.

Burke's Letter to the Sheriffs of Bristol.

"Delaware, Maryland, Virginia; North-Carolina, South-Carolina, and Georgia." Of what other colonies was his Majesty in possession *at his accession to the throne?* I think the permission extends only to the *three* provinces, which we have not yet lost, to the Roman Catholic provinces of Canada and Florida, and to Nova Scotia.

We have now been carrying on for two years a savage and piratical, as well as an unjust, war. Every demand of government has been complied with, and yet the great force employed both by sea and land has not hitherto recovered a single province of all the confederated colonies. On the contrary, the evil grows more desperate. + The last year only

twelve

+ The wise Archbishop of York tell us, "that we must rely on the wisdom of our governors, in confidence that NECESSITY will at last provide those remedies, which foresight did not. [This seems quite a new application of the doctrine of NECESSITY.]"

Sermon preached in the City before the Society for the Propagation of the Gospel in foreign parts.

America is not subdued. Not one unattacked village, which was originally adverse throughout that vast continent, has yet submitted from love or terror.

You

twelve colonies humbly petitioned the throne. "This year, by the accession of Georgia, we have seen a federal union of thirteen free and powerful provinces asserting their *independency* as *high and mighty states*, and setting our power at defiance. This was done with circumstances of spirit and courage in these *revolted colonies*, to which posterity will do justice, for it was directly after the safe landing of your whole force. In return you have plundered their coasts, and set fire to their open towns and defenceless villages with a barbarity, which disgraces the English name. In the midst of all the cruelties, terrors, and *devastations*, which follow your arms, *for before them is as the garden of Eder, and behind them as the desolate wilderness*, the spirit of the Americans is still unsubdued. I hope, and firmly believe, you never will conquer the free spirit of the descendants of Englishmen, thus exerted in an honest cause. They honour and value the bles-

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sing

You have the ground you encamp on; and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread *devastation*, but you do not enlarge the sphere of authority.

A Letter from Edmund Burke, Esq; to the Sheriffs of Bristol, dated April 3, 1777. Bristol ed. p. 25.

flags of liberty, and are determined to live and die free men,^t notwithstanding the vain efforts of every arbitrary power in Europe. It is a foolish attempt to think of conquering and holding the immense territory of North America, when the whole country is united against us. The Minister argues in a trifling manner in the Speech on the decisive *govt. consequences* from events only in the province of New-York. They do not prove that we shall subdue Virginia, or either of the Carolinas. Success in two or three battles or sieges cannot conclude for the final success of a war, so extensive, already so greatly complicated.

As to the *tranquillity at home* prophesied of in the Speech, the very idea is absurd, because

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"If there be one fact in the world perfectly clear, it is this, " That the disposition of the people of America is wholly averse to [from] any other than a free government." Page 55.

^t They are continually boasting of unanimity, or calling for it. But before this *unanimity* can be matter either of wish or *congratulation*, we ought to be pretty sure, that we are engaged in a rational purpose. Phrenzy does not become a fitter dis temper on account of the number of those who may be infected with it. Delusion and weakness produce not one whit chief the less because they are *universal*.

Letter from Edmund Burke, Esq; to the Sheriff of Bristol. P. 38.

impossible, while the present system of injustice and oppression is pursued. The American war has been declared by several gentlemen in this House to be unjust, and unconstitutional in its first principle, and, if persisted in, necessarily to bring on our ruin. We have neither force to conquer, nor strength to maintain such extensive conquests, if we could at present succeed, if we could continue, by every base compliance and sacrifice of national honour, to persuade our ancient open *enemy*, and present false + friend, France, to wear the political mask of amity, and preserve a precarious peace. France secretly exults, when she sees our brave countrymen turning their victorious swords into their own bowels.

Our situation, sir, is become truly critical. The constitution of this country is at home tapped by bribery and corruption. On the

+ The great Duke of Marlborough, in a letter to Queen Anne, says, " It is not my opinion only, but the opinion of all mankind, that the friendship of France must needs be destructive to your Majesty; there being in that court a root of enmity irreconcileable to your Majesty's government, and the religion of these kingdoms."

other side the Atlantic it is assailed by violence and force of arms. The too fatal success in this devoted nation is very evident, but in the new world, I trust, as a friend to mankind, that all the despotic measures of a tyrannical administration will prove ineffectual. It cannot be too often held out to ministerial folly and obstinacy, that it is impossible for this island to conquer and hold America. They are determined and united. Your fleets may indeed every year carry horror through all their coasts. Your armies may possess some sea-port towns, but the numerous, and greatly increasing, people of the provinces will retire into the interior parts, of which you have already had some experience. Peaceful towns and villages will cover their fruitful plains, and liberty fix her blest abode among them, the unmolested, happy inhabitants rejoicing that they are *procul à fove, procul à fulmine,*

I heartily agree, sir, with the noble Lord in the amendment proposed; but I go farther, and my opinion is, that if we expect to save the empire, to preserve even for a short period, Canada or the West-Indian islands, or to re-

ver

ver any part of the immense territory we have lately lost, we must recall our fleets and armies, immediately repeal all the acts injurious to the Americans passed since 1763, and restore their charters. We may then, if they will forgive, and can trust us, treat with them on just, fair, and equal terms, without the idea of compulsion. In this way only can a foundation be laid for the restoration of peace, internal tranquillity, and unity to this ~~confused~~^{confest} and dismembered empire.

L 3

Votes

† Sir William Draper says, "that this country is convulsed in every part by anonymous, wicked, and incendiary writers." Locke is of opinion, that "oppression is the great cause of civil commotion," and surely rank, foul acts of oppression have been frequent for many years throughout this empire. The Knight of the Bath being himself a fine, a very fine writer, attributes, in my opinion, too much to the influence of fine writing, perhaps even of his own very fine writing, for the body of *the people* are more usefully employed than in the perusal of polite, elegant authors. *The people* do not read very much, nor reason closely on every occasion, but they always *feel* justly. Sir William, having sheathed the bloody sword, and bid

Farewel the neighing steed, and the shrill trumpet,
The spirit-stirring drum, the ear-piercing fist,
The royal banner, and all quality,
Pride, pomp, and circumstance of glorious war,
Shakespeare.

brandishes the peaceful pen, spills oceans of ink, and amuses

VOTES of February 19, 1777.

The Bill to empower His Majesty to secure and detain Persons charged with, or suspected of, the Crime of High Treason, committed in North America, or on the High Seas, or the Crime of Piracy, was read the third time;

and

envelopes himself in taming to a delicate ear smooth and melodious periods. He never was the *miles gloriaus*, but a *false modesty* does not make him now conceal the obligation he confers on mankind by his writings, nor content himself with *anonymous* literary applause. Locke, nobly *peccatus*, regardless of classical praise, intent only on serving mankind, passed his life in deep researches concerning the "Human Understanding," and "Civil Government." He does not quite agree with Sir William. He tells us, "people are not so easily got out of their old forms, as some are apt to suggest. They are hardly to be prevailed with, to amend the acknowledged faults, in the frame they have been accustomed to. Great mistakes in the ruling parts, many wrong and inconvenient laws, and all the slips of human frailty, will be borne by the people without mutiny or murmur. But, if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel, what they lie under, and see whether they are going; it is not to be wondered that they should then rouse themselves, and endeavour to put the rule into such hands, which may secure to them the ends, for which government was at first erected."

Locke of Civil Government, book II. ch. 19.

and an ingrafted Clause was added, by the House, to the Bill, by way of *Ryder*.

Mr. Wilkes said,

Mr. Speaker,

I cannot continue silent while the fate of so important a Bill as the present is depending before this House. Administration at first brought in this Bill in a form, which gave a very general and just alarm to the City, to the nation. If it had passed in that form, in my opinion the whole kingdom would have been put under an *interdict of law*. The personal liberty of every man in this island had been precarious and insecure, depending solely on the will of the minister. The spirit of the Bill in its original state was oppression and tyranny through every part of the empire. In this state the Bill has continued till this day. By the patriotic zeal of an + honourable gentleman of the law, a clause has just been offered, and adopted by way of *Ryder*, as it is called in this stage of the Bill, which gives peace of mind, and security in some degree, to every subject resident in this kingdom, for persons under this description are at length de-

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clared

+ John Dunning, Esq; Member for Calais.

classed not to be the objects of this Bill. + I speak of the clause, Sir, even as pretended to be

+ In Mr. Burke's Letter to the Sheriffs of Bristol it is said, "the main operative regulation of the act is to suspend the common law, and the statute, *Habeas Corpus*, (the sole securities either for liberty or justice); with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

" I confess, gentlemen, that this appears to me, as bad in the principle, and far worse in its consequence, than an universal suspension of the *Habeas Corpus* act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a general principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery." p. 15.

When Mr. Dunning moved the clause of limitation, he said that he meant to take the sting out of the Bill as to all the people of Great Britain, whom he justly represented as exceedingly alarmed at the suspension of the Common Law and the *Habeas Corpus*, at the temporary loss of those bulwarks of the constitution, which Mr. Burke admits to be the sole securities either for liberty or justice. The city of London had petitioned the House of Commons on the 14th of February, and declared, that if the Bill should pass into a law, it would create the greatest uneasiness in the minds of many of His Majesty's good subjects, and tend to excite the most alarming disturbances, &c, &c, therefore earnestly beseeching the House, that the said Bill may not pass into a Law;

be amended by an ^t honourable gentleman on the treasury bench. His words however, Sir, *out of the realm*, are too loose and ambiguous, by no means descriptive enough of the persons,

at least to take such care as in their wisdom may seem most, to prevent it from being extended, in its operation or construction, to any of His Majesty's subjects resident in these kingdoms. The great wish and effort of those gentlemen in opposition, who attended their duty in Parliament, was to have thrown out the Bill, and thereby freed every subject of the empire from the terrors of the arbitrary power proposed to be vested in the present administration. When that was found impracticable after repeated trials in every stage of the Bill, they exerted themselves, and happily succeeded in delivering most of the inhabitants of Great Britain, *His Majesty's subjects resident in these kingdoms*, from the fangs of a cruel ministry. To them the nation is indebted for the present peace and security of its capital, of this great seat of empire, of this whole island. Are they now, instead of being thanked, to be harshly told by those, who did not attend their duty in Parliament, that they have done mischief, that; so far from taking out the sting, they have *sharpened and envenomed it to a greater degree*, that they ought to have suffered so wicked an Act to have become universal, and to have extended to Great Britain as well as America? Are they now to be reproached by those, who would not join in the ministerial attack, that the Act is *far worse in its consequence*, when by their generous struggles, and glorious victory, it can have no *confynance whatever to the most important part of the empire?*

^t Charles Wolfram Cornwall, Esq; Member for Winchelsea, a Lord of the Treasury.

· firms, who are declared by administration not designed to be the objects of the Bill. The Bill

caprice? Were they to have sacrificed their *solid interests*, either for liberty or justice for themselves, for the whole island, to a *speculation*, that partial freedom was a *most inviolable mode of slavery*? Mr. Burke judged better for his friends, the two Sheriffs of Bristol. He tells them in this letter, "I never ventured to put your *solid interests* upon *speculative grounds*." p. 48. I have not heard of any answer to this letter from either of the Sheriffs of Bristol, "that *benign, well-ordered, virtuous city*, & *people who preserve more of the original English simplicity, and purity of manners than perhaps any other.*" p. 69. As to the Bristol Sheriff's ideas of their *solid interests*, I take it for granted that they exactly coincide with those of the Sheriffs of London, the Aldermen Plombe and Thomas. They well know their own *solid interests*, and certainly proceed upon *speculative grounds* essentially different, both in nature and extent, from those of Mr. Burke. Their *speculations* do not extend beyond Exchange-Alley. Mr. Burke's angel genius takes in

The hemisphere of earth in clearest best.

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I will answer for most City Sheriffs, whether of London or Bristol, at least for the present London Sheriff, that they attend to their own *local interests*; and "have never troubled their understandings with *speculations* concerning the unity of empire, and the identity or distinction of legislative powers." p. 54. These *speculations* however are neither partial, nor narrow. They speculate on every thing, on the *Quadrant* with wonderful intelligence and sagacity. If they do not beautifully moralize on this frail and froward being,

Hill is professed to relate only to treason committed in North America by persons actually

etc.

they calculate with amazing exactness the great uncertainty of human life, and the most minute degrees of the probability of its continuance in every object of their speculations. Nor are their speculations confined to any faction, or influenced by the blind zeal of party. Whigs and Tories, countrymen and paroissians, are indifferent to them, as to life annuities, and reverberatory payments. They even wish to unite them--in a joint security.

But to return to the argument of the *partial suspension* of the *National Corps*. Is a man voluntarily to submit to the conflagration of his own dwelling? No! because some distant buildings of his are in danger of being burnt! Is a physician to give up every idea of preserving the head or the heart, from a belief that such extremities as the hands or the feet are in an alarming state? Is he to endeavour no cure, because he cannot save all his patients? If we cannot bestow the godlike gift of *universal*, we ought surely to give *partial*, freedom. When the minority found it impossible to redeem *from slavery* the whole empire, they saved the most valuable part. They nobly struggled, and succeeded for us on this side the Atlantic. I will trust the sons of America to their own virtue and prowess, by which I have no doubt of their being *speedily* saved.

What mode of slavery, however, *partial freedom* can *serve to any man*, I freely own I do not guess. How *partial freedom* to some can be the *most impious mode of slavery* to others, is beyond my comprehension. Yet I can conceive *partial freedom* in some may make the loss of liberty more regretted, more sharply felt, by others. Among all the different species of *slavery*, under which the

insults

resident in that quarter of the globe. Gentlemen, however, on a tour of business to Ireland, or of pleasure to France or Flanders, or even on a fishing party on our own coasts beyond low-water mark, are acknowledged to be *out of the realm*, and may be brought within the act, even as it now stands. An opening is still left for public, or private, revenge and oppression to operate. The expression therefore

insulted race of man has suffered, *partial freedom* has not hitherto been classed, nor did they ever before accord in such friendly, harmonious union as they are now found by the Sheriffs of Bristol.

Mr. Burke says, "I have not debated against this Bill in its progress through the House; because it would have been vain to oppose, and impossible to correct it." Page 18. The Bill, and the Minister, were both well corrected by Mr. Dunning. "I cannot conscientiously support what is against my opinion, nor prudently contend with what I know is irresistible. Preserving my principles unshaken, I reserve my activity for rational endeavours." Page 39. Was the Court faction more determined to carry the *American High Treason*, than the *Civil List, Bill*? Was the first known by Mr. Burke to be more irresistible than the last? Yet his efforts against the last Bill were great and laudable, although not successful. He did, according to the words of the Preacher, Ecclesiastes, ch. 6. v. 10. nobly contend with him that was mightier than he ---the Lord North. It was a *rational endeavour*. Why was not the same *rational endeavour* exerted against the

American

fore ought rather to have been *out of Europe,* than *out of the realm,* if the former words, moved by my honourable friend, *in some or one of His Majesty's colonies before-mentioned, or on the High Seas,* were rejected. But why, Sir, are words so clear and explicit to be changed, unless for some dark purpose, which dares not be avowed?

This new clause, Sir, has happily narrowed the object of the Bill, but in no degree narrowed the proofs, or the nature of the evidence necessary. I shall therefore give the Bill my hearty negative, for I will never consent to increase the enormous power of the Crown at the expence of the freedom of the sub-

American High Treason Bill? Mr. Dunning's rational endeavour succeeded, and he need not blush for his political company. p. 70. The preservation of property in the Civil List Bill was surely not a consideration of equal importance with the preservation of personal liberty in the *American High Treason Bill.* There can be but one rule of conduct on these occasions. Watch every opportunity of being useful, at no moment desert the public cause, and of those evils, which you cannot prevent, strive to lessen the magnitude, and correct the malignity; "not that I think it fit for any one to rely too much on his own understanding, or to be filled with a presumption, not becoming a christian man; in his own personal stability and rectitude." Page 69.

Subject. I will not arm ministers with an unconstitutional power, dangerous to the people. In the Preamble to the Bill it is said, " Many persons have been seized and taken; who are expressly charged, or strongly suspected of such Treasons and Felonies, and many or more such persons may be hereafter so seized and taken." In the first enacting clause of the Bill, and throughout, the word *strongly* is omitted, and the slightest suspicion may warrant the commitment. The words are, " All and every person or persons, who have been, or shall hereafter be seized or taken in the act of High Treason, committed in any of His Majesty's colonies or plantations in America, or on the high seas, or in the act of Piracy, or who are, or shall be charged with, or suspected of, the crime of High Treason, committed in any of the said colonies, or on the high seas." It is therefore apparent that *a mere pretended suspicion*, or foolish credulity, or determined villainy, in a wretched, ignorant, mercenary tool of a ministerial magistrate, may still render the objects of this Bill, who are the inhabitants of above half the empire, liable to imprisonment. This imprisonment

government likewise is to be without ball or monitor; for that cruelty was still determined to be exercised by the committee; notwithstanding the humane motion of my worthy & colleague to leave out those obnoxious words. There is not a syllable in the Bill of the degree of probability attending the *suspicion*. The Bill, greatly amended as it has been, does not even now require *an oath*, nor that the parties should be heard in their own justification, nor confronted with the witness, nor does it mention that two witnesses should be deemed necessary for the colourable ground of a commitment for so high a crime as Treason in America, as the law is in other cases within the kingdom. Is it possible, Sir, to give more despotic powers to a shadow of the Turkish empire? What security is left for the dearest objects of this Bill against the malice of a prejudiced individual, a wicked magistrate, who, if he is prosecuted afterwards for so flagrant an abuse of power, will certainly be indemnified; probably rewarded by a most arbitrary administration? Actions may indeed be brought against the offender, but we

know

know all 'damages recovered, however great, are paid by the people, not by the party. Even in the case of *Petit Treason*, by an express act of Edward the Sixth, no person can be convicted, but on the oath of two sufficient and ~~lawful~~ witnesses, or confession, willingly, without violence; so careful, Sir, were our wise ancestors of protecting the liberty of the meanest subject.

This case, sir, demands our strictest attention and vigilance from what we daily experience of the conduct of those underling officers of every minister, who traffick and deal out justice, under the colour of legal magistracy. There is now, sir, actually in Newgate an American merchant, named *Ebenezer Smith Plat*, who stands committed so lately as the 23d of last January, charged with *High Treason at Savannah in the colony of Georgia in North America*. He is committed by the well known Justice Addington, and, as I am informed, was not allowed to see any of the witnesses against him, nor even to hear their affidavits read. He had before been tried on the same charge at Kingston in Jamaica, and acquitted. I never saw him, but I have read an attested

copy

copy † of the warrant of his commitment. He is charged generally with *High Treason*, which I take to be an illegal commitment. I do not pretend, Sir, to a deep knowledge of the law. I have only the attentive reading of a private gentleman. I build my legal faith on some known and approved authorities, a *Blackstone*, a *Burne*, and a very few others. Those authors agree, that every warrant of commitment ought to set forth the cause *specially*, that is to say, not for treason or felony in general, but for treason in compassing the death

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† To the Keeper of His Majesty's Gaol
of Newgate, or his Deputy.

Middlesex. } These are in His Majesty's name to
to wit. } authorize and require you to receive into
your custody the body of *Ebenezer Smith*
Plat herewith sent you, charged before me
upon the oaths of Richard Scriven and
Samuel Burnet with *High Treason at Sa-*
wannah in the Colony of Georgia in North
America, and you are to keep him safe
until he shall be delivered by due course
of law, and for so doing this shall be
your Warrant.

Given under my hand and seal this 23d
day of January 1777.

W. ADDINGTON.

L. S.

of the king; or levying war against His Majesty in the realm, or counterfeiting the king's coin; or felony for stealing the goods of such a one to such a value, and the like. A court may then judge, whether the offence is such, for which a prisoner ought to be admitted to bail. If then a justice living in the capital, under the immediate eye and direction of ministers, is guilty of such an illegal commitment; what is not to be dreaded from the base engines, and servile tools, of power in the more remote counties? Is it possible, sir, for too great caution to be used by enforcing in the body of a Bill, which is to suspend the *Habeas Corpus* act, the necessity of ^{an} *oath*, of *two witnesses* to the

charge,

† The abuse of power in the illegal treatment, which Mr. Wilkes experienced in his own person in April 1763, gave additional energy to his reasoning, and pointed every argument. There was no accusation *on oath* against him, either before the first warrant of apprehension, or the commitment to the Tower. *He was not admitted to see any one of his accusers, or witnesses.* His Speech in the House of Commons on the fifth day of the subsequent Session, Nov. 15, 1763, states the enormity of the proceedings against him so fully, that I shall give it entire.

Mr. Speaker,

I think it my duty to lay before the House a few facts, which have occurred since our last meeting, because,

-charge, and of their being confronted with the prisoner?

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cause; in my humble opinion, which I shall always submit to this House, the rights of all the Commons of England, and the privileges of Parliament, have in my person been highly violated. I shall at present content myself with barely stating the facts, and leave the mode of proceeding to the wisdom of the House.

On the 30th of April in the morning I was made a prisoner in my own house by some of the King's messengers. I demanded by what authority they forced their way into my room, and was shewn a warrant issued, *without oath*, by Lord Halifax, Secretary of State, in which no person was named in particular, but generally the "authors, printers, and publishers, of a seditious and treasonable paper, entitled 'the North-Briton, No. 45.'" The messengers insisted on my going before Lord Halifax, which I absolutely refused, because I knew the warrant was illegal. I applied by my friends to the Court of Common Pleas for a *Habeas Corpus*, which was granted, but as the proper office was not then open, it could not immediately issue. I was afterwards carried by violence before the Earls of Egremont and Halifax, whom I informed of the orders given by the Court of Common Pleas for a *Habeas Corpus*, and when I was ordered into another apartment, I enlarged on this subject a considerable time to Mr. Webb, the Solicitor of the Treasury. I was *confronted with no witness, nor did I see any witness*. I was carried to the Tower by virtue of another warrant, issued likewise *without oath*, which declared me "the author, and publisher of a most infamous and seditious libel, entitled the

"North

The case of P'r, Sir, gives us an instance of another violation of the law, an evasion of the *Habeas Corpus* act, that holy statute, which ministers hold in abhorrence, and are now allowed

"*North Briton*, No. 45." The word *treasonable* was dropped. I was however with great strictness detained a close prisoner, and no person suffered to come near me for almost three days, although my counsel and several friends demanded admittance, in order to concert the means of recovering my liberty. My house was plundered, my bureaus broke open, by order of two of your members, Mr. Wood and Mr. Webb, and all my papers carried away. After six days imprisonment, I was discharged by the unanimous judgment of the Court of Common Pleas, *that the privilege of this House extended to my case.* Notwithstanding this solemn decision of one of the King's superior courts of justice, a few days after I was served with a *Subpoena* upon an Information exhibited against me in the King's Bench. I lost no time in consulting the best books as well as the greatest living authorities, and from the truest judgment I could form, I thought the serving me with a *Subpoena* was another violation of the privilege of Parliament, which I will neither desert nor betray, and therefore I have not yet entered an appearance.

I now stand in the judgment of the House, submitting with the utmost deference the whole case to their justice and wisdom, and beg leave to add, that if, after this important business has in its full extent been maturely weighed, you shall be of opinion that I am entitled to privilege, I shall then be not only ready, but eagerly desirous to waive that privilege, and to put myself upon a *Jury* of my countrymen.

lowed in England to evade with impunity, in America, I fear, to suspend for very near a twelvemonth. The history of it is this. *Plat* was first confined to the Antelope for three months, then removed to the Boreas for four weeks, then carried on board the Pallas, and in her brought in irons to England. On her arrival at Portsmouth he was removed on board the Centaur for three weeks, then to the Barfleur. On the 4th of January last, an *Habeas Corpus* was obtained, directed to the captain of the Barfleur; but before it could be served, an express was sent from the treasury by their solicitor, and *Plat* was removed again to the Centaur before the *Habeas Corpus* could arrive at Portsmouth. The return to that *Habens Corpus* was thus eluded; but on his friends declaring that they were determined to sue out another, *Plat* was at last sent to the capital, and in the illegal mode, which I have stated, committed to Newgate. + I speak, Sir, in the hearing of many

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gen-

+ Mr. *Plat* was returned to the Judges at the Old Bailey, July 2, 1777, as one of the "Middlesex Prisoners upon orders," in the custody of the Keeper of Newgate. "No. 22. Ebenezer Smith *Plat*, committed Jan. 23, 1777, by W. Addington, Esq; charged,

gentlemen, who ought to contradict me; if I have advanced a single circumstance not founded in truth. Can ministers, Sir, who are capable of thus trampling on our most sacred laws, be too narrowly watched, too deeply suspected, too strongly guarded against? Do we not owe it to the people to demand every security from the sanction of an oath, the number of witnesses, the confronting of them with the prisoner, the hearing him in his own justification, and other circumstances, of which not the least trace is to be found in this criminal, arbitrary Bill? Is the personal liberty of the subject to rest on the ~~any~~ pretended suspicion of a man, who acts probably under the orders of a professed traiterious agent, ever ready to make his court to power by the sacrifice of public virtue and innocence, whose incapacity perhaps can only be equalled by his unscrupulous and cold-blooded gain?

I/rea

" charged, on oath of Richard Scriven and Samuel Burset, with High Treason at Savannah in the Colony of Georgia in North America, ordered to remain on his commitment. Was on the 29th day of May taken by *Habeas Corpus* into His Majesty's Court of King's Bench, and remanded."

I regret, sir, the indecent rage, the extravagant madness, with which every measure, and in particular the Bill in question, has been carried on against the Americans. It precludes every possibility of a reconciliation, so ardently to be wished. All the measures respecting America, and this Bill in particular, as it was at first brought in, bear the strongest marks of a regular system of despotism among our rulers. They originate from the latent, dark, all-controlling power of the † man, who

M 4

wants

† Mr. Pitt made use of this expression in the House of Commons, speaking of the Earl of Bute. *Junius* says, "Lord Bute was not of a temper to relinquish power," though he retired from employment. "Supplications were certainly made between your Grace [the Duke of Bedford] and him, and certainly violated." After two years submission, you thought you had collected a strength sufficient to controul his influence; and that it was your turn to be a tyrant, because you had been a slave. When you found yourself mistaken in your opinion of your gracious master's firmness, disappointment got the better of all your humble discretion, and carried you to an excess of outrage to his person, as distant from true spirit, as from all decency and respect."

In a note *Junius* adds, "the Ministry having endeavoured to exclude the *Douwager* out of the Regency Bill, the EARL OF BUTE DETERMINED TO

DISMISS

wants wisdom, and holds principles incompatible with freedom. Let us advert, sir, for a moment to the difference of two cases in point, the *suspicion* only of high treason in America, and the actual charge of it here. A man only suspected of high treason in America, for instance, the giving aid or assistance to the Congress, or to any of the King's enemies, may on coming over to England be committed to prison, and by this Bill continue there without bail or mainprize, or being able to bring on his trial for near a year, till January 1, 1778, to which time this bill is to continue in force. In this kingdom a man suspected, or even actually charged with High Treason in conspiring the death of the King, or levying war in the realm, may have an *Habeas*

" DISMISS THEM. Upon this the Duke of Bedford
" demanded an audience of the -----, reproached
" him in plain terms, with his duplicity, baseness,
" falsehood, treachery, and hypocrisy,---repeatedly gave
" him the lie, and left him in convulsions."

Junius, vol. I. p. 171.

When the King came out of the closet, His Majesty appeared in very great agitation, and said to one of his servants, " THE FELLOW has done every thing but
" strike me."

hors Corpus, and be bailed by the Court of King's Bench. The *suspicion* therefore of American treason seems a deeper crime in the judgment of our present ministers, than an overt act of English, or more probably Scottish, treason, or rebellion against his Majesty's person, title, crown, or dignity. It must be thought, sir, a deeper crime, because it is more grievously punished. Do we imagine the Americans will not retaliate, or do we vainly hope to intimidate them? Their cause is good, and after all the idle tales of our late visionary successes, the justice of it must in the end prevail. They are now nobly struggling under the sharpest sufferings, but I trust they have steady zeal and unwearied perseverance. In all events, the first moment of a foreign war necessarily obliges us to withdraw our fleets and armies. Every part of North America must then be free and independent. This Bill can only irritate, and will not intimidate. It will probably be answered by a spirited resolution of the Congress—Would to God, sir, the British Parliament equalled that Congress of Heroes, that more than Roman senate, in wisdom, in fortitude,

fortitude, in love of their country, in uncorruptedness, in public virtue !

The second enacting clause of the Bill, sir, impowers " his Majesty, by warrant under " his sign manual, to appoint one or more " places of confinement, *within the realm*, for " the custody of such prisoners, and all and " every magistrate or magistrate, having com- " petent authority in that behalf, are hereby " authorised to commit such persons as afore- " said to such place or places of confinement, " so to be appointed, instead of the common " gaol." This clause may operate in a man- " ner, more to be dreaded than any banishment, " or confinement *out of the realm*. A power, which may be thus grossly abused, ought not to be trust- ed without restriction to any man. A person *only suspected*, or pretended to be so, may be doomed to a damp and noxious dungeon, in the midst of putrid marshes, or on the most swampy coast. He may be stiled in a vault, *to whose foul mouth no healthsome air breathes in*. I, sir, perhaps may *at last* be suspected, and possibly it will not be a slight suspi- cion. I have formerly experienced an illegal, close,

*dote, and rigorous imprisonment in the Tower; but by this Bill I may be sent to the gloomy wastes and deserts of the North, to the barbarous Highlands of Scotland, or among the savages in the dreary Isle of Bute, from whence I am sure I should never return, even as a traitor, much less as a prisoner. Is this, clearly ingeniously meant, sir, as a new mode of repeopling that ancient, abandoned kingdom?

Much has been said, sir, both in the Committee and in the House about a *Dicator*, and his extensive powers. Many periods of the Roman History have been detailed out so unspuriously enough, and they have furnished many parallels. Comparisons between that virtuous republic, and this corrupt monarchy, are generally, in my opinion, more brilliant than solid, more beautiful than just. A Right Honourable Gentleman under the gallery has just observed that our glorious Deliverer, William III.

* The law of England appoints imprisonment in *affidam non in paenam*, acknowledging no *laissez imprisonment*, whereas I was kept with the most extreme rigour.

Algernon Sydney's apology, in the day of his death. Page 173.

* Right hon. Henry Syringue, formerly Member for Midhurst.

was a *Dictator* here after the *suspension* of the *Habeas Corpus Act* in his reign. Should the present Bill for the *suspension* of that act pass into a law, I shall regard the noble Lord with the blue ribband as the modern *Dictator* of this great empire, as possessed of the most ample and despotic powers. The first important act of public business in the Roman *Dictator* was to name his coadjutor in office, the *Magister Equitum*, or *General of Horse*. If public gratitude has any weight with the *Dictator* here, I am sure for such an office he will immediately fix his eyes on the § noble Lord at his right hand, who, to his immortal honour, with great and invincible courage, advanced and charged the enemies of our country at the head of the British horse. In one particular respecting the *Dictator* of ancient times, I desire to set right a very † high Law-Officer among us. All the Roman magistrates were not, as he says, superseded by that creation. The *Tribunes of the People*, but they alone, preserved their authority, even under a *Dictator*.

It

§ Lord George Germaine, in 1759 Lord George Sackville.

† Attorney-General, Edward Thurlow, Esq; Member for Tamworth.

It has been said, sir, by another gentleman, who is likewise in a ¶ great Law-Office, that in this House a discontented party have ridiculously given into a *ton of Prophecy*, which has never been accomplished, and that particularly about a year ago it was the case of the Right Honorable Gentleman, who spoke lately under the gallery. It is not I believe very parliamentary to quote words spoken in a former debate. But if that member's memory goes to a *prophecy* of one year, which *has not been* fulfilled, he will permit mine a fair excursion to another *Prophecy* of his own, six years ago, which *has been* exactly verified. His *Prophecy* in this House was, that if the violent measures against the Americans were persisted in, the colonies, which formed so great a strength to this kingdom in the reign of George II, would be *dissevered* from the British empire in the reign of George III. No *Prophecy*, sir, ever received a more perfect accomplishment. This gentleman won-

won-

¶ Solicitor-General, Alexander Wedderburne, Esq; Member for Okehampton.

As for Mr. Wedderburne, there is something about him, which even treachery cannot trust.

Junius, vol. 2. p. 185.

deservingly possesses the *second right* of his native country. How deeply criminal he and others have been in the bringing his *Prophecy* to pass, I hope this House will one day enquire.

A very extraordinary observation of the same gentleman in the present debate, amidst a variety of heterogeneous matter, it is impossible for me not to mention. He has laughed at *universal benevolence*, and endeavoured to demonstrate the impossibility of its existence. But, sir, he has only given us the narrow, contracted, *selfish* ideas of his own heart, and his own country. His sentiments and his feelings are confined to a very small insignificant circle indeed. They are merely *Clannish* and *Scottish*. His remarks I saw excited a general indignation in this House. An Englishman has ideas infinitely more liberal and enlarged. His heart expands itself, and takes in the general good and prosperity of mankind. It

feels

* We must be conversant with the Scots in private life, and observe their principles of acting to us, and to each other;— the characteristic prudence, the *selfish* nationality, the indefatigable spirit, the persevering affinity, the everlasting profession of a discreet and moderate resentment.

Junius. Preface, p. 25.

feels not the rancour, and despairs the injustice, of such a cruel, persecuting Bill, as the object of this day's debate. It forms the warmest wishes for the liberty and happiness of every individual of this late flourishing empire. *Universal benevolence*, and a generous spirit of humanity, have been no less the characteristics of the inhabitants of the *Southern* parts of this island, than that *good-nature*, for which foreigners have not even a name. I will only add, sir, that I think the most beautiful sentence of all antiquity is that, which was received with such applause by the generous and free Roman people, and an English senate will surely adopt against every measure of oppression and cruelty, *bono sum, humani nibil
et me alienum puto.*

THE PROTEST OF
 THE EARL OF ABBINGDON,

Entered February 24, 1777,

On the JOURNALS of the House of Lords.

Dissentient,

FIRST, Because I look upon this Bill, not only as a part of that system of Colony-Government, so inimical to Civil Liberty, so repugnant to the first and fundamental principles of the Constitution, so ruinous in its measures, so shocking to humanity, and so averse from that now exploded virtue of *universal benevolence*, but because I see herein that system coming home to ourselves, and with hasty

hasty steps pointing its dangers, even towards the heart of the kingdom.

Secondly, Because the Bill itself is attended with powers subversive of and unknown to the laws of the land, by apprehending persons, it may be, on groundless suspicion, by imprisoning perhaps the innocent, without the usual and necessary form of a single oath ; and not too in the common gaol of the county, but in whatever part of the realm, be it ever so distant, that persecution shall think fit to adopt.

Thirdly, Because, although the Ryder, which has been added by the other House, does in some degree abate the rigour of this harsh and alarming Bill, yet it does not sufficiently provide for the security of his Majesty's loyal subjects, the inhabitants of the West-India Islands under its baneful operation ; nay, even any individual of this country, who shall venture on the High Seas, if only to make the tour of the Hebrides, may become the object of suspicion, and the victim of vengeance.

... Lastly, Because the hour is come, if from motives of policy only, that coercion to liberty should give way.

(Signed)

ABINGDON.

* This noble Earl has been one of the most steady and intrepid assertors of liberty in this age. England has essential obligations to the family of the Earl of Abingdon. When the Prince of Orange was at Exeter in great difficulties soon after his landing, when, "both the clergy and magistrates of Exeter were very fearful, and very backward, when the Bishop and the Dean ran away, and the Clergy stood off," as Bishop Burnet says, *Lord Abingdon* came in and joined our glorious Deliverer. The same ardour for freedom glows in the breast of his noble descendant, with an almost unexampled spirit and activity. The citizens of Geneva, as well as the people of England, dwell with pleasure on the praise of a peer, who has made the most generous efforts for them in the cause of public liberty, and often sacrificed the pleasures and enjoyments of social life to their interests. No gentleman was ever more formed to please and captivate in private life than the present *Lord Abingdon*, or has been more deservedly, more generally esteemed and beloved. He possesses true honour in the highest degree, has generous sentiments of friendship, and to superior manly sense joins the most easy wit, with a gaiety of temper, which diffuses universal cheerfulness. It is impossible not to be charmed with the happy *prodigality of nature* in his favour, but every consideration yields with him to a warm attachment to the laws and constitution of England.

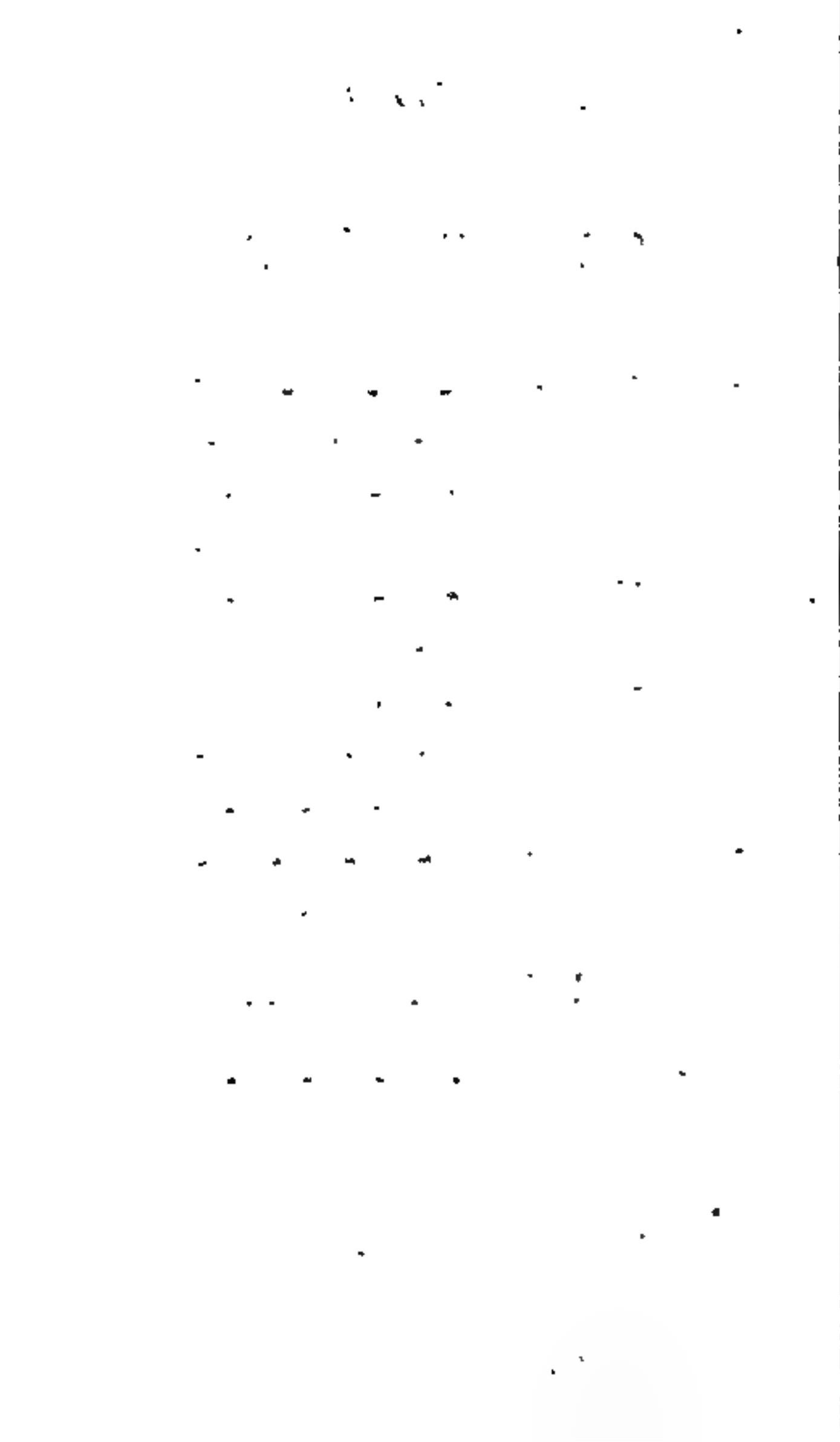
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END OF THE FIRST VOLUME,



THE

SPEECHES

OF

JOHN WILKES,

One of the Knights of the Shire for the

COUNTY OF MIDDLESEX,

In the Parliament appointed to meet at

Westminster the 29.th day of November 1774, to the

Prorogation the 6.th day of June 1777.

With notes by the Editor.

VOL. II.

L O N D O N:

1777.



VOTES of April 16, 1777.

The House was moved, "That the Order
"made upon Wednesday last, for referring
"the several Accounts [*respecting the Civil*
"*Lift*] which were then presented to the
"House, by the Lord North, by His Ma-
"jesty's Command, to the Committee of
"the whole House, to whom it was refer-
"red to consider further of the Supply
"granted to His Majesty," might be read.

And the said Order being read accordingly;
A motion was made and the Question being
put, "That the said Order be *discharged*;"

It passed in the Negative.

Mr. Wilkes said,

Mr. Speaker,

THERE is not a Gentleman in this
House, or in the kingdom, more anxious than
I am that the splendor and dignity of the crown
of England should be maintained in its truest

lustre, although for above a course of fifteen years I have received from the Crown only a succession of injuries, and never in any moment of my life the slightest favour. I had the honour, sir, of a seat in this House, when the affair of the Civil List was first agitated in Parliament in the beginning of his present Majesty's reign, when every good subject hoped to have *more than the idea of a Patriot King.* I then acquiesced in the proposed grant. The acceptance of an annuity of 800,000l. and the giving up to the publick the ancient, hereditary revenues of the crown, originated from the Throne. It was proposed to this House in the usual mode by Mr. Legge, then Chancellor of the Exchequer. Parliament adopted the proposition, and it was accepted with gratitude by the King. The ministers of that time declared to this House the King's *entire satisfaction,* and that his Majesty should be happy to be delivered from the disagreeable necessity of ever applying to Parliament, like his predecessors, to make good the deficiencies of the Civil List. It was admitted that the allowance was *competent, ample, most fully adequate to the wants, and even to the splen-*
dour

Over of the crown. Parliament granted all the Sovereign asked, and made the grant in the very mode proposed by the minister. The Civil List Act expressly declares in the preamble, that 800,000*l.* *per annum*, " was a "certain and competent revenue for defraying "the expences of his Majesty's Civil Gover- "ment, and supporting the dignity of the "crown of Great Britain." The nation thought themselves assured of not paying more than 800,000*l.* *per annum* to the Civil List, and gave that sum chearfully for the *trappings of royalty*. In the Speech at the close of that session our gracious young Monarch told us from the Throne, that he could not + sufficiently

B 2

thank

+ The same dull, threadbare, vulgar expression, "I cannot sufficiently thank my faithful Commons," is repeated in the King's Speech at the end of the last session, June 6, 1777. "I cannot sufficiently thank my faithful Commons for the zeal and public spirit with which you have granted the *large and extraordinary supplies, &c., &c.*" Will there never be a sufficiency of money from his faithful Commons to the King, or of *thanks* from the King to his faithful Commons, or are they both to proceed *pari passu* till the poor people of this country find their *unfaithful representatives* have given away the very power of giving? The sufficiency of 1769 did not suffice to 1769. The

thank us, and that he thought himself much obliged to us for what more immediately concerned himself. By this bargain, sir, with the public it was generally understood, and indeed admitted at that time, that his Majesty would be a gainer of near 7,000l. *per annum*. The noble Lord with the blue ribband has unfairly drawn his calculations from only the *last eight* years of the late King's reign. He ought to have taken the whole of that reign together. In some years the Civil List was very deficient; in others it greatly exceeded the sum of 800,000l. As this is peculiarly a day of dry calculation, I will observe that from the accounts delivered in to Parliament, it appeared, that in the 33 years of George the Second's reign, from Midsummer 1727 to Midsummer 1760, the Civil List produced only 26,182,981l. whereas 800,000l. for 33 years amounts to 26,400,000l. so that, there is a deficiency of 217,019l. The gain therefore on a net revenue

The sufficiency of 1769 did not suffice to 1777. How long will the insufficiency of 1777 suffice? When will be the next demand, and of consequence the next grant of money from his *faithful Commons*, and of consequence the next "I cannot sufficiently thank my *faithful Commons*"

venue of 800,000l. is on an average above 6,576l. a year. The sum of 800,000l. was at that time thought abundantly sufficient to support the splendor of the crown, and the Majesty of this great people. His Majesty has received besides 172,605l. the arrears of the late King's Civil List, 100,000l. on account of Somerset-house, and an additional grant of 513,511l. in the year 1769, to discharge all incumbrances. The death of the Princess Dowager of Wales was a saving of 60,000l. a year, and the Duke of York 12,000l. a year. Yet, sir, we are now told of another debt of 618,340l. and called upon to pay that likewise, notwithstanding the *former bargain with the public*. The very proposal implies *another violation of public faith*. Sir, I will venture to say, if we are indeed just trustees for the people, if we conscientiously reflect that their wealth is intrusted to our care, that we are the guardians of the public purse, we ought to stop this *growing evil*, and reprobate the idea of suffering their money to be thus squandered, as well as the country drained by a variety of taxes. I must add, sir, taxes imposed to supply a profusion,

fusion, which arises from a violation of a solemn compact with the nation, and renders the limitation of the expences of the crown by Parliament the most vague and absurd of all propositions. The power of control of the expences of the crown is the being and life of Parliament. What traces do we now find of the existence of this power? Are the accounts on our table proofs of our boasted economy? and is meanness thus nearly allied to prodigality?

There is at present, sir, a peculiar cruelty in thus endeavouring to fleece the people, when we are involved in a most expensive, as well as unnatural and ruinous, Civil War, and burthened with an enormous load of national debt, the interest of which even we are scarcely able to stand under. Is there no feeling for the sufferings of this impoverished country? *Are the people really nothing in the scale of government?* The principal of the national debt is stated to us at Midsummer 1775 to amount to the astonishing sum of 135,943,051. and the interest to 4,440,821. Is this the time, sir, that a minister can with an unembarrassed countenance come to Parliament

ment to lay additional loads on an exhausted nation, and to ask more of the people's money? When the greatest sources of our commerce and wealth are destroyed by the folly and wickedness of administration, when we have already spent in this unjust war above nineteen millions, when above half our empire is lost, and those American friends, who have assisted us so frequently and so powerfully, are forced by our injustice to become determined enemies, and for their own safety to endeavour our humiliation, are we at such a moment as this to talk of the greatness of the crown, *a crown shorn of half its beams.* Are we to hear of the happy state of the nation, when we have lost more than we have retained of this divided empire, when new taxes and additional burdens on the people, are the most important objects of government? Is the *Civil List* to increase in proportion to the loss of all those resources of trade and riches, by which it is fed and nourished? Is the nature of the Civil List in the body politic analogous to what Lord Bacon says of the *Spleen*, that it increases in proportion to

the waste, decay, and rapid consumption of the other parts of the human body ?

Sir, we ought to look back to what former Princes and Parliaments have done. I will take the consideration only from the glorious era of the Revolution, and it shall be stated fairly and fully. The Civil List was not granted to King William for life till the year 1698, when 700,000. a year was settled on him. The distractions of his government, and of all Europe at that period, are well known. His most generous views for the public were thwarted at home during the greatest part of his reign by the *Tories, as the friends of liberty are now harassed by them

* His Excellency General Washington strictly forbids all the officers and soldiers of the Continental Army, of the Militia, and all recruiting parties, plundering any person whatsoever, whether Tories or others. The effects of such persons will be applied to public uses in a regular manner; and it is expected that humanity and tenderness to women and children will distinguish brave Americans, contending for liberty, from infamous mercenary ravagers, whether British or Hessians.

G. WASHINGTON.

Trenton, Jan. 1, 1777.

Did

them in America, according to the late orders of General Washington to the Continental army, and his spirited letters to the Congress. Queen Anne had the same revenue settled upon her. She did not ask the additional sum of 100,000l. to her Civil List, but she gave unasked out of it yearly 100,000l. towards carrying on the war, *a war against France*, besides 200,000l. at least towards the building of Blenheim-house, and above 100,000l. for the support of the poor Palatines. We have a resolution of this House, sir, on a report from a Committee, which states this very fully. It is on the Journals of May 13, 1715, and in the following

Did any *Monarch* in Europe begin this year with such a glorious act of humanity, and regard to the public, as *Dictator Washington* in America?

Greenwich, March 16, 1777.

"The bearer hereof, Nehemiah Liscome, being an
"infamous *Tory*, and *profest enemy to the United States*
"of *America*, and consequently having no right to a
"residence or dwelling on this Continent, is hereby
"ordered to remove himself immediately to Long
"Island, &c, &c, &c.

By order of Major Gen. Wooster,
Jno. Cofus Ogden, Aid-de-Camp.

lowing words, "Resolved, that the sum of
 " 700,000l. per annum was settled upon his
 " late Majesty King William during his life,
 " for the support of his Majesty's household,
 " and other his necessary occasions; and, at
 " the time of his Majesty's demise, after the
 " deduction of 3,700l. a week, that was ap-
 " plied to the public uses, was the produce of
 " the Civil List revenues, that were continued
 " and settled upon her late Majesty Queen
 " Anne, during her life." The deduction
 for public services of 3,700l. a week, or
 192,400l. a year, from that part of the Civil
 List revenue called the "Hereditary and Tem-
 porary Excise" was first made in the last year
 of King William. Notwithstanding this de-
 duction the Civil List Funds produced in that
 very year 709,420l. In the first of Queen
 Anne the same Funds with the same deduc-
 tions were settled on her for life, and declared
 to be for raising 700,000l. for the support of
 her household, and the dignity of her govern-
 ment. In the 9th of her reign the old Post-
 office act was repealed, and a new General
 Post-office with higher rates was established,
 in consideration of which another deduction
 was

was made from the Civil List revenue of 700l. a week, or 36,400l. a year. Both these deductions have ever since been continued.

George I. had the same revenue settled upon him as Queen Anne, but if 300,000l. paid him by the Royal Exchange and London Assurance Companies, and a million granted in 1726, towards paying his debts, are included, his income will appear to have been nearly 800,000l. *per annum*. In the first speech to his Parliament he took notice, "That it was his happiness to see a Prince of Wales, who may, in due time, succeed to the throne, and to see him blessed with many children." Yet the establishment of the Civil List at the beginning of that reign was only settled at 700,000l. a year. It was not till after the great expences consequent on the rebellion of the Earl of Mar, and the other *perfidious Scots*, who, although they had taken the oaths to his government, traiterously waged open and impious war against a mild and just Sovereign, that the Parliament paid the King's debts. In the reign of George I.

the

the Prince of Wales had an establishment of 100,000*l.* *per annum.*

George II. had a very numerous family, and 800,000*l.* was at first settled upon him, with whatever surplus might arise from the duties and allowances composing the Civil List revenues. In 1736, that part of the hereditary and temporary excise, which consisted of duties on Spirituous Liquors, was taken from the Civil List, in consideration of which 70,000*l.* was transferred to it from the aggregate fund. The income of George II. including 115,000*l.* granted in 1729, and 456,733*l.* in 1747, towards making good the deficiencies, which had arisen in the Civil List duties, was 810,749*l.* *per annum,* for 33 years. His late Majesty likewise had in his reign a *Scottish* rebellion, carried on by many of the same traitors, who had been pardoned by his father. The expence of that rebellion to the King and kingdom was enormous, for it was not confined to the extremities of the island, but raged in the heart of the kingdom, and the rebels advanced to within a hundred miles of the capital. Such an event, sir, *not unforeseen, because foretold,* was a just ground

for

for the Parliament's discharging a debt contracted by securing to us every thing dear to men and Englishmen.

The establishment of the present King, at the yearly rent charge to the nation of 800,000l. was a measure at the time equally pleasing both to the Prince and people. The minister boasted that there was not a possibility of any future dispute about the hereditary revenues, or concerning accounts suspected to be false, wilfully erroneous, or deceitful, kept back, or anticipated, to serve a particular purpose. I am aware, sir, that the Civil List revenues have been increasing for many years. The mean annual produce for the last five years of George II. was 829,150l. and for the first six years of his present Majesty, it would have been, had the establishment in the late reign continued, 894,000l. In 1775, it would have been 1,019,450l. Near 90,000l. *per annum* of this great increase has been produced by an increase in the Post-office revenue, occasioned chiefly by the late alteration in the manner of franking, and by the falling in of the cross posts to the public by the death of Mr. Allen; but these profits would probably,

ably, at least certainly ought to, have been reserved to the public, had the establishment in the late reign been continued. At the foot of one of the accounts on our table it is stated, "The amount of 800,000l. granted
 " to his Majesty from the 25th of Oct. 1760,
 " to the 5th of January 1777, is 12,965,517l.
 " 4s. 9d. $\frac{1}{4}$. The produce as above exceeds
 " the annuity by 2,384,241l. 9s. 1d. $\frac{1}{4}$. But
 " Parliament granted to pay off the Civil List
 " debt, on the 5th of Jan. 1769, out of the
 " supplies for the year 1769, 513,511l. which
 " being deducted shews the gain to the public
 " to be, 1,867,730l. 9s. 1d. $\frac{1}{4}$." The bargain concluded for the public was of an annuity to the King of a clear 800,000l. subject to no deductions, or contingencies for his life, on a solemn promise of that being made to bear all the expences of the Civil List, and the Royal household. It was a fair *compact of finance* between the King and the subject, ratified by both parties. The most explicit assurances were given by the Chancellor of the Exchequer, *in the King's name*, that no more should be asked, and that now his Majesty could never be under the disagreeable necessity

celity of importuning this House with messages of personal concern.

I have, sir, carefully examined the accounts laid before this House, by his Majesty's command, the eight folio books, as well as the other papers. I will venture to say they are as loose, unsatisfactory, perplexed, and unintelligible as those delivered in by the noble Lord with the blue ribband in 1770, *a year after* the former demand to pay the debts on the Civil List. I am sure, sir, more loose, unsatisfactory, perplexed, and unintelligible no accounts can be. Their defectiveness and fallacy is highly culpable. The coming to Parliament at that time with such a demand, but without any account whatever, was an insult to this House, and the now laying before us such accounts as those on the table is a solemn mockery. Many gentlemen in the House declared the last week their opinion, that, after the strictest examination, they could make nothing of those former accounts. It was not intended they should. One particular only fixed my attention as an individual. Under the head of *secret and special service*, I find that between Oct. 1762, and Oct. 1763, a most
memorable

memorable year, there was issued to *Samuel Martin, Esq;* 41,000*l.* We have indeed, sir, had a week allowed to go through these accounts, but I will venture to affirm that a year would not be sufficient to clear them from their studied perplexity, to give order and light to such a chaos. The most able accomptants do not pretend to understand them. They would puzzle a *De Moivre.* Egyptian darkness hangs over the whole. There is not one friendly ray of light to lead us through this labyrinth.

No account, sir, whatever is given Parliament of the other considerable revenues of the crown, besides the annuity of 800,000*l.* I do not mean the income of the Electorate of Hanover, or Bishoprick of Osnabrug, but what his Majesty enjoys as King of England. That is a fair consideration with us, when the House are providing for the support of the lustre of the crown, at present, I fear, a little tarnished. The extraordinary revenues of the Crown are, the revenue of Ireland, the Duchy of Cornwall, the land revenue within the principality of Wales, the revenue of Gibraltar, American quit-rents,

now

now generally lost, irredeemably lost, the Plantation duties of 4l. $\frac{1}{2}$ per cent. from the Leeward islands, fines, forfeitures, and many other particulars, which certainly carry the Royal income to much above one million a year. We may form some guesses from the grants we find made. From the revenue of the Duchy of Cornwall it appears that 17,000l. issued to Mr. Bradshaw in one year, and 11,000l. in another. From the 4l. $\frac{1}{2}$ per cent. in 1769, for his Majesty's special service, 14,742l. to Sir Grey Cooper. In 1771, John Robinson, Esq; received 10,000l. of the Virginian quit-rents, the last payment I believe of that nature. Sir Grey Cooper in 1769 received 2,144l. from the revenue of Gibraltar, and in 1765 the sum of 13,804l. was issued thence for special service. Such copious streams must flow from rich and abundant fountains. The Plantation duties of 4l. $\frac{1}{2}$ per cent. produced in 1753, the sum of 27,377l. Fines and forfeitures are a very considerable addition to the Royal revenue. I was plundered in one year of 1000l. by two fines, one of 500l. for a pretended libel, and another of the same sum, because I had a

laughable poem locked up in my bureau,
which

† The late Speaker of the House of Commons, Sir John Cust, the weakest as well as the most abject of all ministerial tools even in that House, who by betraying the rights of the *Commons* expected to become a *Lord*, contrived in conjunction with a Mr. Filmer, Clerk of the King's Bench Treasury, to hold out a *laughable poem* to the nation as "*blasphemy*." When Mr. Wilkes was a prisoner at the bar of the House on the 31st of January 1769, he complained of this injustice.

Mr. Speaker,

I am sorry to be obliged by the regard I have to truth, and the vindication of my honour, to take notice in this public manner of an injury repeatedly done me by you, sir, in the *Votes* of this House, published to the nation by your authority, and in your name. I find it is asserted *three times*, in the *Votes* of last November, that there is a record of "*blasphemy*" against me. I am sure that no such record ever existed. The assertion is entirely void of truth. I am therefore necessitated to make my appeal to the House against you, sir, for having charged me with being convicted of a crime, of which I am innocent, and spread an unjust accusation throughout the kingdom, under the sanction of the *Speaker's* authority. In the good old *Speaker's* [Onslow's] time, when any mistake accidentally, and *honest* ever but by accident THEN appeared in the *Votes*, the error was not only always acknowledged with candour, but speedily rectified. The false charge against me in so unjustifiable a manner still remains on your *Votes* in full force. I feel it, sir, as I ought; but I

sub-

which administration hired a † rascal of a servant to steal, and then they contrived to have published.

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submit to the wisdom and justice of this House the mode of reparation of my injured honour.

Journals. Jan. 31, 1769, vol. 32. page 169.

Ordered, That the Entries in the *Votes of the Titles of the Copies of the Records presented to this House upon the 23d day of November last, be so altered, as particularly to express, that the words "for a libel" and for "blasphemy," contained in the said Entries, were part of the titles indorsed by the Officer, [Mr. Filmer] who presented the said Copies, and no part of the said records; nor intended to convey any opinion of the House concerning them.*

In the first debate on the Middlesex elections in the present Parliament, Feb. 22, 1775, Charles Van, Esq; Member for Brecon, mentioned this record as for "blasphemy." Mr. Wilkes immediately called him to order, and desired the above extract from the Journals might be read. Mr. Van very ingenuously confessed his mistake.

† Michael Curry. Not a printer, nor a printer's devil, would afterwards associate with this fiend. He ran away from the capital first to Norwich, and afterwards to Bristol, where he delivered the world from one of the most wretched, as well as wicked, of the human race. On the 3d of August 1768, he made an affidavit at the Mansion House before the Lord Mayor Harley, which has been printed in all the papers. He was frequently with the peer, who is commonly called *Jemmy Twitcher*.

The business of this day, sir, is naturally branched out into two parts, both which certainly claim our strict attention. His Majesty's message points them out to us. The first is the outstanding debts, the second the increase of the establishment of the Civil List.

Before

cher. In the affidavit he swears, "that when he told his Lordship of the robbery he had committed on his Master, Lord Sandwich answered, *You have saved the nation, and you may depend on any thing that is in my power*, that the inducement to him to commit the robbery was the money offered him, and the large promises from *those in power*." His Lordship was then Secretary of State. The affidavit likewise states, "that Faden, and Hassall, two known ministerial agents, desired him to name any sum, and that he might depend on being supported from any injury he might apprehend, and firmly rely on being protected by *those in power*." Curry was afterwards examined at the bar of the House of Commons on the 31st of January 1769. He then declared, that he "lived for some time at the house of Philip Carteret Webb, Esq; Secretary to the Treasury, that he was confined there, that Webb sent him to Carrington, one of the King's messengers, who regularly every week supplied him with money, that Webb said he might depend upon being taken care of, that government would take care of him for sure rendering the copy, and giving the evidence against Wilkes, that Carrington declared he was accountable to government for the money he paid him, that Lord Sand-

Before we proceed, sir, to take into consideration the payment of the King's debts, we ought to enquire in what manner they have been contracted. The King has enjoyed ever since his accession the greatest unappropriated revenue of any prince in Europe, and the ex-

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pences

" Sandwich told him, *be might depend on anything in his power,* that he had lost his character, that no one " would afterwards employ him, &c., &c."

There was not a man of honour in Europe acquainted with this black transaction, who did not blush for the conduct of the court of England on this occasion. Every liberal idea was sacrificed to a personal pique of the Prince. The infamy of corrupting a servant to rob his master, the baseness of confining a gentleman for a year in prison, and the meanness of picking his pocket of 500*l.* because he had a loose poem locked up in a private closet, had not been known in the most despotic countries, and betrayed a spirit of injustice, revenge, and cruelty. The fittest agent was employed for such a business, *Jemmy Twitcher*, then Secretary of State, *homus post homines satos turpissimus, sceleratissimus, contaminatissimus.* Even Lord Le Despencer, one of the first and most eager court vassals, who vowed *unconditional submission* to the *Thane*, and swore fealty at the shrine of *Bute*, even he condemned the breach of honour and convivial friendship, without the pretext of any injury, or even previous quarrel, in his brother peer towards Mr. Wilkes. At the conclusion of the Secretary's speech in the House of Lords, Lord Le Despencer exclaimed

aloud,

pences of the whole Royal Family have never exceeded 160,000l. a year. A Committee should be appointed for both the purposes mentioned, and papers very different from those before us ought to be submitted to Parliament. It is impossible for us now to form the slightest conjecture from these accounts in what way so enormous

afford, "that he never before heard the devil preach, " a sermon against sin."

A great writer observes, that *every man has a right to have poisons in his closet. The crime is in the murderer.*

The conduct of Henry IV. of France on the publication in 1605 of the famous libel called *L' Isle des Hermaphrodites*, was worthy of that great King.

Ce petit libelle (qui étoit assez bien fait) sous le nom de cette île imaginaire, découvroit les moeurs et façons de faire impies et vicieuses de la Cour, faisant voir clairement que la France est maintenant le repaire et l'asyle de tout vice, volupté, et impudence, au lieu que jadis elle étoit une académie honorable et seminaire de vertu. Le Roi le voulut voir et se le fit lire ; et encre qu'il le trouvât un peu libre et trop hardi, il se contenta néanmoins d'en apprendre le nom de l'auteur, qui étoit Arthur Thomas, *lequel il ne voulut qu'on recherchât, faisant conscience, disoit-il, de flâcher un homme pour avoir dit la vérité.*

Journal du règne de Henri IV. Par M. Pierre de l'Etoile, Grand Audiencier en la Chancellerie de Paris. vol. III. p. 278, 279. Ed. La Haye 1741.

enormous a debt as 618,340l. has been contracted. It is astonishing that there should remain in cash in the Exchequer on the 5th of Jan. last only 35,640l. The Queen has indeed 50,000l. a year very regularly paid ; but the expence of the prince of Wales and the Bishop of Osnabrug is charged from 1769 to 1777 only 42,242l. Prince William Henry and Prince Edward, for the same period 5,017l. The King's message, sir, leads us to consider the state of the whole Royal Family. His Majesty has two brothers, universally beloved by the nation. I find no trace of any debts contracted by the crown on their account ; no princely grants to either of the King's *own brothers*. As an Englishman I regret the scantiness of their incomes. The Duke of Gloucester seems doomed to pass his life abroad ; and it is certainly neither from choice, nor from the ill state of his health. The Duke of Cumberland is happier, and lives in England. He possesses all the virtues, and supports with dignity the rank, of a private, benevolent, amiable Nobleman. His income is by no means adequate to the splendor of a Prince of the Blood, of a Prince of the

blood so near to the King as his Majesty's own Brother. How then, sir, has this enormous debt been contracted? No outward magnificence has dazzled our eyes; no internal, domestic profusion has been imputed to the Lord Steward of the household, who almost alone has continued in office this whole reign. We have scarcely the appearance of a Court, even in the capital. Former Kings of England with very inferior revenues were generous and splendid, their courts pompous and brilliant.

+ With the greatest unappropriated revenue of any Prince in Europe, have we not seen you reduced to such wile and sordid distresses, as would have conducted any other man to a prison? Is it not notorious that the vast revenues, extorted from the labour and industry of your subjects, and given you to do honour to yourself and to the nation, are dissipated in corrupting their representatives?

Junius. Preface, p. 29.

In the debate in the House of Lords on the debts of the Civil List, April 16, 1777, Earl Talbot, Lord Steward of His Majesty's Household, the tear starting from his eye, told many a piteous tale of the distresses of the royal household, kitchen, and stables, of half-starved nurses, scullions, and grooms. His Lordship said, "he would finish those scenes of unutterable woe with a fact, which had happened very lately. The King's coal-merchant declared, that he was so distressed for money, he was ready to turn his Master off."

brilliant. All princely and royal visitors were lodged in their palaces, and splendidly entertained. § His Majesty's residence at Windsor the last summer did not quite revive all the ideas of the magnificence, and even hospitality, of the Plantagenets, nor efface all the glories of our Henrys and Edwards. No stately buildings, or proud palaces, no *imperial works, and worthy Kings,* have excited the public wonder, or called foreigners from the continent to our island to admire the royal taste and magnificence. An honourable gentleman, sir, tells us of the King's *houses.* The former Kings of England, sir, lived in *palaces,* not in *houses.* His Majesty has *not yet* had a *Scottish* rebellion to quell. The Royal revenues have *not been expended against the Scots;* but surrendered *to them,* an idea little suspected by the people of England, when they gave at first with such a liberal, and even prodigal hand. How then, sir, has this debt been contracted? There

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§ When the King's Sister, the Princess of Brunswick, paid the last visit to the court of England, Her Royal Highness was in *ready furnished lodgings* in Pall-Mall.

‡ Sir Grey Cooper, Bart. Member for Saltash, Joint Secretary to the Treasury.

are no outward and visible signs of grandeur and expence. I will tell the House what is said without doors, what the nation generally suspects, and therefore it becomes our duty to investigate. The nation, sir, suspects, that the regular, ministerial majorities in Parliament are bought by these very grants ; that in one instance we attend to the evangelical precept, *give, and it shall be given unto you*, and that the Crown has made a purchase of this House with the money of the people. Hence the ready, tame, and servile compliance to every Royal edict issued by the Minister. Inward corruption is the canker, which gnaws the vitals

† Other princes, besides his Majesty, have had the means of corruption within their reach, but they have used it with moderation. In former times *corruption* was considered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, the sanctified religion of *George the Third* have taught him to new model the civil forces of the state. The natural resources of the crown are no longer confided in. *Corruption* glitters in the van ; --- collects and maintains a standing army of mercenaries, and, at the same moment, impoverishes and enslaves the country.--- His Majesty's predecessors (except that worthy family, from which you, my Lord, [the Duke of Grafton] are unquestionably descended) had

vitals of Parliament. It is almost universally believed, sir, that the debt has been contracted in corrupting the Representatives of the people, and that this public plunder has been divided among the majority of this House, which is allowed to be the most corrupt assembly in Europe, while the honest and fair creditors of the crown have been reduced to the greatest distress. Compassion to them is only made the pretext of the present message. This, sir, is a fit object of parliamentary enquiry.

The alarm has spread through the country. The charge is taken up by almost every independent man in the kingdom. It is asked, Did the

had some generous qualities in their composition, with vices, I confess, or frailties in abundance. They were Kings, or gentlemen, not hypocrites or priests. They were at the head of the church, but did not know the value of their office. They said their prayers without ceremony, and had too little priesthood in their understanding, to reconcile the sanctimonious forms of religion with the utter destruction of the morality of their people.---My Lord, this is fact, not declamation.---With all your partiality to the house of Stuart, you must confess, that even *Charles the Second* would have blushed at those eager, meretricious caresses, with which every species of private vice and public prostitution is received at St. James's.

Junius, vol. 2, pages 249, 250.

the last parliamentary grant of 513,511l. so lately as 1769, to pay the King's debts, give satisfaction to the honest tradesmen and inferior dependents of the crown, or was it diverted another way? The majority of this House, sir, ought not to lie under this suspicion, nor will they, if they are innocent. They ought likewise to vindicate the honour of our Sovereign from the foul suspicions, which are gone abroad on this subject. A heavier accusation can scarcely be brought. Mr. Locke, sir, in his chapter on the *Dissolution of Government*, says, "He (the supreme Executor) acts
 "contrary to his trust, when he either employs the
 "force, treasure, and offices of the society, to
 "corrupt the representatives, and gain them to
 "his purposes, or openly pre-engages the electors,
 "and prescribes to their choice, such, whom he
 "has by solicitations, threats, promises, or other-
 "wise won to his designs; and employs them to
 "bring in such, who have promised before-hand
 "what to vote, and what to enact." What, sir,
 was the case of Hine's Patent Place in the col-
 lection of the customs at Exeter, publicly
 sold, and the money given, not to a needy
 public, but to General Burgoyne, to reimburse
 him

him the expences of the *Preston* election, and the subsequent prosecution and fine of 1000l. by a court of law, for the outrages committed in Lancashire against the sacred rights of election? That instance alone merited an impeachment from parliament against the † profligate minister of that day.

If

† *The Duke of Grafton.*

Junius addresseth his Grace in terms almost of inspiration. "Your cheek turns pale; for a guilty conscience tells you, you are undone....Come forward, thou virtuous minister, and tell the world by what interest Mr. Hines has been recommended to so extraordinary a mark of his Majesty's favour; what was the price of the patent he has bought, and to what honourable purpose the purchase money has been applied. Nothing less than many thousands could pay Colonel Burgoyne's expences at Preston."

Junius, vol. 3. p. 21.

No sale by the candle was ever conducted with greater formality....I affirm that the price, at which the place was knocked down (and which, I have good reason to think, was not less than 3,500l.) was, *with your connivance and consent*, paid to Colonel Burgoyne, to reward him, I presume, for the decency of his deportment at Preston. Page 23.

Mr. Taylor and George Ross (the Scotch agent and worthy confidante of Lord Mansfield) managed the business. Page 24.

The chaste *Duke of Grafton* had commenced a prosecution against Mr. Samuel Vaughan, for endeavouring to corrupt his integrity by an offer of 5000l. for a patent

If there is, sir, a spark of virtue left among us, we cannot sit down contented with such loose general accounts, that *secret and special service, the Privy Purse, the Treasurer of the chamber*

patent place in Jamaica. A rule to ~~they cause~~, why an information should not be exhibited against Vaughan for certain misdemeanours, being granted by the Court of King's Bench, the matter was solemnly argued on the 27th of November, 1769, and, by the unanimous opinion of the four judges, the rule was made absolute. The pleadings and speeches were accurately taken in short-hand, and published. The whole of Lord Mansfield's Speech, and particularly the following extracts from it, deserve the reader's attention.

" A practice of the kind complained of here is certainly dishonourable and scandalous.---If a man, standing under the relation of an officer under the King, or of a person in whom the King puts confidence, or of a minister, takes money for the use of that confidence the King puts in him, he basely betrays the King,---he betrays his trust.---If the King sold the office, it would be acting contrary to the trust the constitution hath reposed in him. The constitution does not intend the crown should sell those offices, to raise a revenue out of them.---Is it possible to hesitate, whether this would not be criminal in the Duke of Grafton;---contrary to his duty as a privy-counsellor;---contrary to his duty as a minister;---contrary to his duty as a subject.---His advice should be free according to his judgment;---it is the duty of his office;---he has sworn to it." Notwithstanding all this the *charter Duke of Grafton* certainly

chamber, the Cofferer of the Household, Royal bounties, pensions and annuities, swallow up almost the whole Civil List. There is a general charge of pensions to the amount of 438,000l. The †*Pension List* is the great grievance.

certainly sold a patent place to Mr. Hine, for 3,500l. and, for so doing, is now Lord Privy Seal to the chaste George, with whose piety we are perpetually deafened. If the House of Commons had done their duty, and impeached the black Duke for this most infamous breach of trust, how woefully must poor, honest Mansfield have been puzzled! His embarrassment would have afforded the most ridiculous scene, that ever was exhibited. To save the worthy judge from this perplexity, and the no less worthy Duke from impeachment, the prosecution against Vaughan was immediately dropped upon my discovery and publication of the Duke's treachery. The suffering this charge to pass, without any enquiry, fixes shameless prostitution upon the face of the House of Commons more strongly than even the Middlesex election.

Junius, vol. II. p. 37.

† The Duke of Grafton during his administration carried the *Pension List* to the extreme of infamy. Junius asks, "Has not Sir John Moore a pension of 500l. a year? ... This may probably be an acquittal of favours upon the turf; but is it possible to offer a grosser outrage to a nation, which has so very lately cleared away the beggary of the Civil List, at the expence of more than half a million?"

Junius, vol. I. p. 89.

If

grievance. From 1769 to 1777, there is a single line of 171,000l. *secret and special service*, issued to Sir Grey Cooper. In the same period, under the same article, 114,000l. to John

" If a late pension to a broken gambler [Sir John Moore] be an act worthy of commendation, the Duke of Grafton's connections will furnish him with many opportunities of doing praise-worthy actions." P. 95.

The pension of 1,200l. a year to Paoli can be accounted for only two ways, either by the courtly principle now established among us, of giving applause and assistance to all those, who have betrayed the public liberty, from the King of Sweden to the late General of the Corsicans, or as hush-money to conceal the share of our court in the sacrifice of Corsica to France. When Baron Van Swieten, the late Minister from the Empress Queen to the King of Prussia, was in London, he saw and conversed with Paoli. The Corsican lamented, that in the late war against France *he could not be present every where in his island in every action*. The Baron replied, *that is no reason for your doing nothing where you were*. " Le Comte de Grand-
 " maison prit le village d'Olivetta, d'où le Général
 " Paoli s'étoit enfui dès le premier ébranlement des
 " troupes." Histoire des Révolutions de Corse. Par
 M. l'Abbé de Germanes. Paris, vol. 3. p. 65. " Il
 " manquoit totalement de cette bravoure, le soutien
 " des états naissans, et si nécessaire vis-à-vis d'une nu-
 " tion belliqueuse, qu'elic ne peut être supplié par au-
 " cune autre qualité. On ne l'a vu dans aucune action
 " à la tête de ses compatriotes. Il se tenoit toujours en
 " arrière, et ne manquoit pas d'être le premier à faire
 " retraite

§ John Robinson, Esq; exclusive of enormous sums on the same heads to the Secretaries of State, and the Secretary of the Post-office, generally in one short, single line. When

VOL. II.

D

we

" retraité dès qu'il voyoit le succès douteux. vol 2. p.
 " 188. Paoli ignorant sa victoire figura d'une coté,
 " tandis que nous nous retirions de l'autre. vol. 3. p.
 " 95. There is a remarkable appearance of candour
 and impartiality in this history. The Abbé received
 the solemn thanks of the States of Corsica for the two
 first volumes. " Il fut arrêté, que l'on écrivoit, au
 " nom des Etats à M. l'Abbé Germanes une lettre de
 " renoncement sur les peines et soins qu'il avoit pris,"
 &c, &c. " Paoli tout éperdu, laissa, pour se sauver à
 " travers les rochers, son cheval et son port-feuille à
 " Murato. p. 132. Le Général Paoli---se bâta de
 " quitter sa patrie---laissant Abattucci à la tête des
 " Nationaux qui tenoient encore les armes; il se sauva
 " de Bastilica sur Quinza, et delà se rendit à Porto-
 " Vecchio avec Clément son frere, quelques autres chefs,
 " et une centaine de Corfes attachés à sa personne, ou
 " à ses ribesses. vol. 3. p. 148. l'envie de persécuter
 " son gouvernement fut sa première raison d'état, et il
 " préféra toujours sa grandeur personnelle à la liberté
 " de sa nation---il étoit beaucoup moins capitaine que
 " politique. Au defaut de bravoure, il substituoit
 " l'art d'en montrer. Feignant de chercher le peril au
 " commencement d'une action, il trouvoit toujours des
 " amis discrets, qui arrêtoient son ardeur- - quoique
 " timide dans le combat, il étoit bardé dans le conseil, et
 " ferme

§ Member for Harwich, Joint Secretary to the Treasury with Sir Grey Cooper.

we know, sir, what prosecutions have been carried on, a loose article of 60,000l. in one year, as law charges, ought to alarm us no less for the liberty of the Press, than for the private property of individuals against unfounded

"ferme dans ses projets---si ne pouvant plus maintenir son pays dans la liberté dont il pretendoit être le restaurateur, il fut mort les armes à la main à la tête de ses compatriotes, il passeroit pour un héros." p. 148. Such is the judgment passed by a French Abbé on a republican General! What was the glorious answer of the young Nassau, afterwards our great *Deliverer*, to some courtiers of Charles II, who in the desperate situation of Holland from the conquests of Louis XIV. advised him to accept the splendid offer of being Sovereign of the Provinces under the protection of England and France? *I will not survive the liberties of my country. I will die in the last dyke.* Paoli ought to have died, *sword in hand*, on the last free mountain of Corsica. But he lives, attends regularly, bows low, and smiles eternally, at the levee of a King, by whom he is again smiled upon, caressed and pensioned. With the spoils of his enslaved country, and an English pension, this *brave, firm, fierce, independent* republican crouches at a court, and consoles himself, far from those *vile gosses*, in a drawing room, in a sweet intercourse of bows and smiles with the ribbanded and titled slaves of power, under the contempt of all Europe. The pension was given him, at the intercession of Lord George Germaine, in the administration of the Duke of Grafton. His treachery recommended him to the Duke: a similitude of character and conduct naturally captivated the heart of *Germanicus*.

founded claims of the crown. We have seen the cruel invasion of both in this reign. Under the head of *Gentingencies of divers natures*, we are lost and bewildered by a rambling account, in which it is impossible to guess the least particular. We find *Messrs. Amyand and Siebel* receive 38,692l. to pay bills of Exchange; and in another line, *Thomas Pratt, Esq;* 8,139l. to pay another bill of Exchange. For what national purpose, or public service? Such accounts, sir, are only calculated for such a servile Parliament. *Pensions, annuities, and royal bounties*, shall with much caution be touched by me, even in this House. One word only I shall mention of *literary patronage*, because it seems to be a favorite subject. We are, sir, hourly told, that genius and learning are now fostered by the propitious beams of royal favour, and all the polite arts encouraged and patronized. The two famous Doctors †*Shebbeare* and

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Fabron,

† Dr. Shebbeare was tried in 1738 for printing and publishing "A sixth Letter to the People of England." The Information was exhibited by Lord Camden, when Attorney General. It stated, that the libel "tended to traduce the Revolution, and to represent it as the foundation of all those imaginary evils and calamities, which he, the said Defendant, would falsely

" in-

Johnson, are in this reign the *state birelings* called pensioners. The piety of our Sovereign to the memory of his grandfather, as well as gratitude to our glorious Deliverer, should surely, sir,

" insinuate the subjects of this kingdom did labour under; and also to asperse the memory of King William III, and of George I, &c. and also to asperse, scandalize, and vilify King George II, &c. and to insinuate that King George II. had no concern for the people of England, nor any regard for the interest, honour, or welfare of this kingdom." Another charge was omitted by the Attorney-General, Mr. Pratt, from a motive of delicacy, for Dr. Shebbeare had bastardized the whole royal family in the "Sixth Letter to the People of England." It was published in the time of the late war with France. A jury found the Doctor guilty. He was fined, pilloried, and imprisoned. Lord Mansfield, who tried the cause, declared, that the "Sixth Letter to the People of England" approached the nearest to High Treason, without actually committing it, of any paper he ever read. His Lordship's nice, exquisite judgment.

Pension. n. f. [per^{sion}, Fr.] An allowance made to any one without an equivalent. In England it is generally understood to mean pay given to a *state bireling for treason to his country*.

Pensioner. n. f. [from *pension*] 1. One who is supported by an allowance paid at the will of another; a dependant.

2. A slave of state hired by a stipend to obey his master.

A Dictionary of the English Language, in

a vols. fol. by Dr. Samuel Johnson.

Vide Dr. Johnson's *False Alarm*, and all his political tracts.

fit, have prevented the names of these two Doctors from disgracing a Civil List, which both of them had repeatedly and publicly declared the King's family had no right to, but ought to be considered as a flagrant usurpation. These two Doctors have in their writings treated the late King, and King William, with the ut-

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most

judgment in such a matter cannot be controverted. The family connection with his own brother, Lord Dunbar, the late *Pretender's confidential secretary*, his early studies at Oxford, the whole cast and colour of his life, make his opinion of value, his testimony unquestionable. In a letter addressed to his Lordship, *Junius* says, " In
 " your earlier days you were but little infected with
 " the *prudence* of your country; you had some origi-
 " nal attachments, which you took every proper op-
 " portunity to acknowledge. The liberal spirit of
 " youth prevailed over your native discretion. Your
 " zeal in the cause of an unhappy prince was expressed
 " with the sincerity of wine, and some of the solemn-
 " ities of religion." In a note to this passage *Junius*
 adds about Lord Manfield, " This man was always
 " a rank Jacobite. Lord Ravensworth produced the
 " most satisfactory evidence of his having frequently
 " drank the Pretender's health upon his knees.

Dr. Shebbeare's character is admirably drawn by the author of the "Heroic Epistle to Sir William Charn-
 " bers."

Wretch! that from slander's filth art ever gleaning,
 Spite without spirit, malice without meaning:
 The same abusive, base, abandon'd thing,
 When pilloried, or pensioned by a king.

most virulence and scurrility, and they are the known pensioned advocates of despotism. The two other instances are ridiculous enough. David Hume was pensioned in this *pietas* reign for attacking the Christian religion, and Dr. Beattie for answering him. In this manner is the public treasure lavished ; but these, I own, are mean objects, and of trifling concern. The great mass of the debt remains unaccounted for, and is suspected to be contracted for the most criminal purposes. It is necessary to satisfy the people that the enquiry should be made, and therefore I hope the House will instruct the committee to that purpose.

Let me now, sir, suppose, that parliament acquiesces with the present claim, what cheerful ray of future hope have we to comfort us that future demands will not succeed ? Will this be the last court job, even of the present minister ? No assurances whatever are given, not a hint of *economy*, or frugal management, or the least care of the public treasure in future. Surely such a mode of proceeding is highly unbecoming, indecent, and contemptuous.

May I, sir, pass the invidious straits of Calais, and consider the state of the neighbouring

bouring monarchy with respect to the King's household and debts? By two new edicts for the regulation of the French King's household expences, pensions, and royal bounties, all arrears are to be discharged within six years, and a fixed resolution is declared pour concilier avec une sage économie les dépenses que l'état de sa couronne peut exiger. From the first of last January all future expences whatever respecting the household are to be paid in the course of the current year. The very first article is, " l'année révolue de toutes les dépenses de la maison du Roi, tant par entreprises que par fournitures, sera à l'avenir païée comptant au Trésor Royal; dans le courant de l'année suivante, à raison d'un douzième par mois." Would to God, sir, such a spirit of justice and reformation crossed the channel to this capital! We, alas! have not a gleam of hope of any reformation. The French King, sir, has likewise two brothers, Monsieur, and the Comte d'Artois. They have found in their sovereign an affectionate and generous brother, not a gloomy tyrant, like—*Louis the XIth.

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† Mezeray, historiographer of France, says, "Comme nous le [Louis XI.] dépeint furieusement "joup-

They are an united and happy family. What the King has given them in important grants, and *en apanage*, as it is called, enables them to support with eclat their high rank. The new regulations of the French King's household expences and debts are founded in justice, and are no extraordinary burden on the people. The first Prince of the Hanover line observed the same conduct, for the message of George I. to this House, of July 11, 1721, is "that being resolved to cause a *retrenchment* to be made of his Civil List expences for the future, and finding that such a *retrenchment* cannot well be effected, without discharging the present arrears, his Majesty has ordered the accounts thereof to be laid before the House, and hopes he may be empowered to raise ready money for that purpose, on the Civil List revenues; which, so

" ausid

"soupçonneux et jaloux de sa puissance, très absolument dans ses volontés, qui ne pardonnait point, qui a terriblement souillé ses sujets, et avec cela le meilleur des Princes [the best of Kings] de son temps. Quels pouvoient être les autres?"

Abregé Chronologique de l'Histoire de France, par
le Sieur de Mezeray, historiographe de France.
vol. viii. p. 212. Ed. Amsterdam. 1755.

" avoid the laying any new burden on his ~~treas~~; his Majesty proposes shall be replaced to the Civil List, and re-imburfed by a deduction to be made out of the salaries and wages of all offices, and the pensions, and other payments, from the crown." The venal parliament of 1769 gave the money ~~out~~ of the current expences of the year, without a single line of any account.

When we are repeatedly told, sir, of the present splendour of the British diadem, of the extent of our empire, and the greatness of our sovereign, I own that the diminished rays of the crown occur to my painful imagination. I am not dazzled, but mortified. It brings to my recollection what was said of Philip the IVth of Spain, when Louis XIV. was taking all the towns, one after another, in the Netherlands, "*Sa grandeur ressemble à celle des fossés, qui deviennent grands à proportion des terres, qu'en leur être.*"

The * noble lord near me has said, that he wished a strict review of the whole establishment of the crown, as to the Civil List. I

per-

* Lord John Cavendish, Member for York.

perfectly approve the idea. Almost the whole requires a new regulation. I think the judges in particular ought not to be paid out of the civil list, but by the public. They cannot be now displaced, but they may be starved by the crown. The spirit of their independence ought to extend as well to their salaries, as to their commissions. I observe, sir, in the Civil List account on the table, an article, "Lord Howe and Sir William Howe Commissioners, for restoring peace in America 100l. per week each, arrears 1,742l." The noble Lord with the blue ribbon has just called them *Ambassadors*. Have we then already acknowledged the *United Colonies* of America as a sovereign state, like the *United Provinces* of Holland? If we have not, that event must happen. The *peaceful* mode adopted by the brothers, according to my calculation, will not soon restore peace in America. It may possibly be the period of the Trojan war, ten years at least, so that the nation may compliment the Howe family with above one hundred thousand pounds free gift, at the rate of 100l. per week each brother, besides the settled pay and perquisites, as officers. But, sir, what connection has such

such an article as this with the Civil List, with his Majesty's household?

Let us not now, sir, rashly proceed in the iniquitous method of deciding on these two important questions, the expenditure, and the increase of the Civil List, without hearing the evidence, or hearing it only in part. We have not sufficient *Data* to proceed. By such injustice we lost America. - We proscribed the inhabitants of Boston without hearing them, and in the same manner adopted coercive and sanguinary measures against the other colonies. Let us not now advance a single step but with caution, with fear and trembling. We are asked to furnish the ministers with weapons, which may be employed to our destruction, against the liberties of our own country. An increased undue influence must necessarily be created, and the overgrown power of the Crown enlarged. Ministers only want what are called *the sinews of war*. The doctrine is now avowed of the legality of introducing foreign troops into the British dominions. The minister has the power of the sword, when we give him that of the purse. How many nations have totally lost their liberties by in-

internal corruption, and by mercenary armies? There is an affected *false alarm* about faction and civil discord, disturbances and + insurrections, but it is well known, that civil dissensions have often among us been even favourable to freedom. Montesquieu observes of England, “*On voit la liberté sortir sans cesse des feux de la discorde et de la sedition, le Prince toujours chancelant sur un trône inébranlable.*”

I desire, sir, to submit to the noble Lord near me, whether, in point of form and precedent, instead of discharging the order for referring the King’s message to the committee of supply, which his Lordship has moved, it would not be more proper to instruct the committee on the two important points of the message, the paying his Majesty’s debts, and the addition to the standing revenue of the Crown. If his Lordship and the House adopt that mode, I shall then move, “That it be an

“ instruction

+ *Wise and good Kings*, being taught by reason and experience, that nations delight in the peace and justice of a good government, will never fear a general insurrection, whilst they take care it be rightly admitted, and find themselves by this means to be safe.

Algernon Sydney, page 45.

" instruction to the said committee, that, before
" they proceed to consider of his Majesty's
" most gracious message, they do consider of
" the causes of the debts due on account of the
" Civil List, and likewise what further pro-
" vision may be necessary to support the splen-
" dor and dignity of the Crown of Great-
" Britain."

The P R O T E S T of the L O R D S,

On the 16th of April 1777.

Dissentient,

FOR the reasons contained in the amendment proposed and rejected, viz. in lieu of the Address, to substitute the following:

To assure his Majesty of the inviolable affection and loyalty of this House; and that it is with the sincerest affliction we find our duty to his Majesty, and our country, entirely incompatible with our compliance with the request made to us in his Majesty's name.

That at a time when the increase of Public Debt, attended with a decrease of the British empire, manifestly required the utmost economy in the management of the Revenues of the Crown, we cannot behold, without astonishment and indignation, a profusion in your Majesty's ministers, which the greatest prosperity of our affairs could scarcely excuse.

That

That this House, with the most zealous devotion to your Majesty's true interests, beg leave to represent to your Majesty, that we humbly apprehend the clear revenue of 800,000l. a year, which supported the government and court of your Majesty's grandfather of happy memory in great authority and magnificence, is fully sufficient (if managed by your Majesty's servants with the same integrity and oeconomy) to maintain also the honour and dignity of your Majesty's Crown, in that reverence in which we wish, as much at least as those who have squandered away your revenues, to see it always supported.

Parliament has already in consideration (we suppose) of some expences at the beginning of your Majesty's reign, discharged the debts and incumbrances on the Civil List to a very great amount. Again to exceed the revenue granted by Parliament, without its authority, and to abuse its indulgence in paying one debt, by contracting, in so short a time, another, and a greater, is, on the first view, a criminal act. Your Majesty's ministers ought to have laid some matter before this House, tending

tending to shew that your Majesty's government could not be reputably supported on the provision made by Parliament ; whereas they have only laid before us the heads on which they have exceeded, without any thing which can tend either to justify or excuse the excess ; and the only reason given to us for paying that debt is, that your Majesty's ministers have incurred it.

With regard to the further increase of your Majesty's Civil List revenues, we must decline any concurrence therein, not solely from motives of oeconomy (though at no time more strictly required) but from a dread also of the effect of such an augmentation on the honour and integrity of Parliament, by vesting such large sums without account in the hands of ministers. When an opinion is known to prevail, and which we have no means of contradicting, that your Majesty's Civil List revenues are employed in creating an undue influence in Parliament, it would be extremely unbecoming of us to vote, without manifest reason, great sums out of the property of your Majesty subjects, which are supposed to be applied to our private emolument. It is

our duty to attend to the reputation of Parliament ; and we beg leave to represent to your Majesty, that a further increase of the present overgrown influence of the Crown, would be a treacherous gift from Parliament even to the Crown itself, as it will enable the ministers to carry on those delusive systems which have been fatally adopted, and which, if pursued, must lead to the ruin, as they have already produced the distraction of this once great empire.

ABINGDON,
ABERGAVENNY,
ARCHER,
KING,
THANET,
TORRINGTON,
STAMFORD,
EFFINGHAM,
PORTLAND,
RICHMOND,
ROCKINGHAM,
FITZWILLIAM,
DEVONSHIRE,
MANCHESTER.

The PROTEST of the Earl of RADNOR.

On the first of May 1777.

Dissentient.

BECAUSE, though I admit, and zealously contend, that the splendor and dignity of the Crown of Great Britain, and the credit of the royal household, ought for his Majesty's personal satisfaction, no less than for the honour of the nation, to be maintained by liberal grants of Parliament, (liberal beyond the charge of parsimony, or a minute calculation of the demands on government) yet, when no consideration is had, and no account whatever given in of various productive funds, of which his Majesty's servants are in the receipt, and which are never accounted for in Parliament, I must insist that all calculations of a deficiency in the assumed sum of 800,000l. only, are fallacious and absurd.

Because these funds produce either the exact sum of 78,000l. or more, or less. If they pro-

produce that sum, the produce more than liquidates the present stated debt. If they produce less, but yet produce something, the accounts upon the table cannot be true; for such produce would then either have been accounted for in diminution of this debt, or such produce is still in hand, and the means of discharging such debt remain; or there has been some secret expenditure to which it has been applied, and which administration have not thought fit to mention. If they produce, as I cannot but think they do produce, considerably more, it surely rests upon ministers to shew the application, rather than becomes the credulity of Parliament to accept these accounts as complete, or its generosity to supply with such readiness, and consequently encourage the wantonness of their profusion, as to the amount, and perhaps their criminality in the destination of the sums.

And because when (exclusive of the enormous sums stated to be lodged with certain persons who are members of the House of Commons, for secret and special services, words calculated to perplex and not inform) the extravagant amount of salaries and ac-

knowledged pensions (to which parliament always jealousy claims a right of making a large addition on account of the general belief, amounting with many persons to an internal conviction of considerable disbursements for secret and unacknowledged purposes) is considered; I hold it my duty, as a member of the legislature, to withhold the additional means, afforded by this bill, of corrupting the integrity of Parliament.

R A D N O R.

VOTED

Votes of May 7, 1777.

Ordered, *Nemine contradicente,*

That Mr. Speaker be desired to print the Speech made by him to His Majesty, in the House of Peers, this day, upon his presenting to His Majesty the Bill for the better support of His Majesty's household, and of the honour and dignity of the crown of Great Britain, which then received the Royal Assent.

The S P E C H of the Speaker of the House of Commons, Sir Fletcher Norton.

Most Gracious Sovereign,

" The Bill which it is now my duty to
 " present to your Majesty, is intituled, *An*
" Act for the better support of his Majesty's house-
" hold, and of the honour and dignity of the
" crown of Great Britain: to which your
 " Commons humbly beg your Royal Assent.

" By this Bill, sir, and the respectful cir-
 " cumstances which preceded and accompanied
 " it, your Commons have given the fullest
 " and clearest proof of their zeal and affection

" for your Majesty. For in a time of public distress, full of difficulty and danger, their constituents labouring under burthens almost too heavy to be borne, your faithful Commons postponed all other business; and, with as much dispatch as the nature of their proceedings would admit, have not only granted to your Majesty a large present supply, but also very great additional revenue;—great beyond example; great, beyond your Majesty's highest expence.

" But all this, sir, they have done, in a well-grounded confidence, that you will apply wisely what they have granted liberally; and feeling what every good subject must feel with the greatest satisfaction, that, under the direction of your Majesty's wisdom, the affluence and grandeur of the Sovereign will reflect dignity and honour upon his people."

VOTES OF MAY 9, 1777.

Resolved, That the Speaker of this House, in his Speech to his Majesty, at the bar of the House of Peers on Wednesday last, and which was

was desired, *Nemine contradicente*, by this House, to be printed, did express, with just and proper energy, the zeal of this House, for the support of the Honour and Dignity of the Crown, in circumstances of great public charge.

Ordered, That the thanks of this House be returned to Mr. Speaker for his said Speech to His Majesty.

VOTES of Feb. 21, 1777.

A Petition of the Trustees of the British Museum was brought up and read.

Ordered, That the said Petition be referred to the consideration of a Committee of the whole House.

VOTES of April 28, 1777.

Ordered, "That the Account of Annual
"Expence and Income of The British Museum,
"from the first of January 1768, to the 31st
"of December 1776, be referred to the said
"Committee [to consider further of the Supply
"granted to His Majesty]."

Mr. Wilkes said,

Mr. Speaker,

Before the *Petition* of the *Trustees of the British Museum* is referred to the consideration of the Committee of Supply, I beg the indulgence of the House to submit a few general ideas on that subject, entirely independent of party and politics. The encouragement of all useful knowledge, and the protection of the arts and sciences, with a particular attention to our own manufactures, appear to me, sir, just objects of public regard, and highly deserving parliamentary consideration, especially in this great commercial country. Among the many proofs of the improvement of our national taste, and love of polite literature, the establishment of the *British Museum* claims the pre-eminence. It rose under the favourable auspices of this House, has been carefully watched over by us, and I hope will still continue to receive our friendly protection and support. Various branches of learning have already derived singular advantages from that rich repository, and I think it may be made yet more extensively useful to this

this kingdom. This, sir, can only be done by this House, by parliamentary assistance. I shall at present confine myself to general ideas, and only throw out some hints for a future day's consideration.

It seems to me, sir, highly expedient that the Trustees of the *British Museum* should not only be enabled adequately to fulfil the objects of their public trust, by making what is already collected as useful as possible to the nation, but still farther to extend the laudable purposes of their institution. Their present funds we find by their Petition are incompetent even to the contracted plan now pursued. It is a general complaint that the *British Museum* is not sufficiently accessible to the public. This must necessarily happen from the deficiency of their revenues. The trustees cannot pay a proper number of officers and attendants. This will to-day be in part the consideration of the committee, into which the House will soon resolve itself. But, sir, I wish their plan much enlarged, especially on two important objects, *Books* and *Paintings*. This capital after so many ages remains without any considerable public library. Rome has the immense

mense collection of the *Vatican*, and Paris scarcely yields to the mistress of the world by the greatness of the *King's Library*. They are both open at stated times, with every proper accommodation, to all strangers. London has no large public Library. The best here is the *Royal Society's*, but even that is inconsiderable, neither is it open to the public, nor are the necessary conveniences afforded strangers for reading or transcribing. The *British Museum*, sir, is rich in Manuscripts, the *Harleian collection*, the *Cottonian Library*, the collection of *Charles I.* and many others, especially on our own history, but it is wretchedly poor in printed books. I wish, sir, a sum was allowed by parliament for the purchase of the most valuable editions of the best authors, and an Act passed to oblige every printer, under a certain penalty, to send a copy bound of every publication he made to the *British Museum*. Our posterity by this, and other acquisitions, might perhaps possess a more valuable treasure than even the celebrated *Alexandrian collection*, for notwithstanding that selfishness, which marks the present age, we have not quite lost sight of every beneficial prospect for futurity. Considerable

siderable donations might likewise, after such a sanction of parliamentary approbation, be expected from private persons, who in England, more than in any country of the world, have enlarged views for the general good and glory of the state.

The *British Museum*, sir, possesses few valuable paintings, yet we are anxious to have an *English school* of painters. If we expect to rival the Italian, the Flemish, or even the French, school, our artists must have before their eyes the finished works of the greatest masters. Such an opportunity, if I am rightly informed, will soon present itself. I understand that an application is intended to parliament, that one of the first collections in Europe, that at *Houghton*, made by Sir Robert Walpole, of acknowledged superiority to most in Italy, and scarcely inferior even to the Duke of Orleans's in the *Palais Royal* at Paris, may be sold by the family. I hope it will not be dispersed, but purchased by parliament, and added to the *British Museum*. I wish, sir, the eye of painting as fully gratified, as the ear of music is in this island, which at last bids fair to become a favourite abode of

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the polite arts. A noble gallery ought to be built in the spacious garden of the *British Museum* for the reception of that invaluable treasure. Such an important acquisition as the *Houghton collection*, would in some degree alleviate the concern, which every man of taste now feels at being deprived of viewing those prodigies of art, the *Cartons* of the divine Raphael. King William, although a Dutchman, really loved and understood the polite arts. He had the fine feelings of a man of taste, as well as the sentiments of a hero. He built the princely suite of apartments at Hampton-Court, on purpose for the reception of those heavenly guests. The English nation were then admitted to the rapturous enjoyment of their beauties. They have remained there till this reign. At present they are perishing in a late ** Baronet's smoky house at the end of a great smoky town.* † They are entirely secreted from the public

* Sir Charles Sheffield's house in St. James's Park, now called the Queen's Palace.

† The royal *Procrustes*, who has founded an Academy of Painting, after an exact admeasurement, observing very sagaciously, that "the *Cartons* were too long, and ought to be cut shorter," a sacrilegious hand

public eye; yet, sir, they were purchased with public money, before the accession of the Brunswick Line, not brought from *Herrenhausen*. Can there be, sir, a greater mortification to any English gentleman of taste, than to be thus deprived of feasting his delighted view with what he most desired, and had always considered as the pride of our island, as an invaluable national treasure, as a common blessing, not as private property? The kings of France and Spain permit their subjects the view of all the pictures in their collections, and sure, sir, an equal compliment is due to a generous and free nation, who give their prince an income of above a million a year, even under the greatest public burthens.

A remarkable opportunity, sir, of improving the national taste in *painting*, which was lately lost, I hope may now be recovered. The incomparable † Sir Joshua Reynolds, and some other great painters, who do honour to

our

hand was found, which---*horresco referens!*---mangled the divine works of the most divine artist, that they might exactly fit their present improper, ignoble situation.

† Sir Joshua Reynolds has given this island a fair claim to the following beautiful lines of Mr. Tickell,

See

our country, generously offered the late * bishop of London to adorn the cathedral of St. Paul's, that glorious monument of the magnificence of our ancestors, with some of their most valuable works; but the proposition had to encounter the absurd, gothic prejudices of a tasteless and ignorant prelate, which were found to be insuperable. We have the satisfaction at present of having in the † see of London a gentleman

See on her *Titian's* and her *Guido's* urns
 Her falling arts forlorn *Hesperia* mourns;
 While Britain wins each garland from her bower,
Her wit and freedom first, her painting now.

* Dr. Richard Terrick.

† If I may be indulged a conjecture, it should be that not the *solid piety*, nor the *sound learning*, nor the *classical taste*, nor the merited correction, which, in the cause of polite literature, the present Bishop of London gave *the smirched cynick of Gloucester*, captivated *Mr. Wilkes* so much as that love of liberty, and detestation of tyrants, which are conspicuous in the writings of our excellent Diocesan. In his lectures "De sacra Poesi Hebræorum," a wonderful work from the *Claarendon Press at Oxford*, with the *imprimatur* of the Vice-Chancellor Browne in 1753, this worthy Prelate quotes with distinguished praise the *inspired* verses sung at all the public festivals of the Athenians in honour of the Greek heroes, Harmodius and Aristogiton, who slew the tyrant Hipparchus. The good Bishop declares the verses to be "*ingeniosi certe poëticæ, et valde boni civis.*"

† gentleman, not only of solid piety, but of the soundest learning, and of exquisite, clas-
fical taste. I hope at such a favourable mo-
ment the proposition will be renewed and ac-
cepted.

As

Num verendum erat, ne quis tyranoidem Pisistrati-
darum Athenis instaurare auderet, ubi in omnibus
conviviis, et aequo ab infima plebe in compitis, quo-
tidie cautitaretur Σκολιος illud Callistrati nescio cujus,
sed ingeniosi certe poete, et *valde boni civis?*

Ἐτ μητὶ κλαδὶ τὸ ἔρος φορίσαι,
Ωπερ Ἀρμόδιος κ' ἀρισούεται,
Οτε τοι τυράννος κταπτήσ,
Ισογόνος τ' Ἀθηνας εποικούεται.

Φιλαρᾶς' Ἀρμόδι, ετί τη τελεταῖς,
Νησοῖς δ' ετ μακάρων τε φασίται,
Ιτα περ ποδοφύλλος Ἀχιλλέ,
Τυβεῖντ τε φασίτ λιονίδεα.

Ἐτ μητὶ κλαδὶ τὸ ἔρος φορίσαι,
Ωπερ Ἀρμόδιος κ' ἀρισούεται,
Οτ' Ἀθηναῖς εἰς Συσταῖς
Αἰδρὺ τυράννος Ιππαρχος εκπατέται.
Αἱ σφῶν κλαδος τοῦτοι: κατ' αἰοτ,
Φιλαρᾶς' Ἀρμόδιος κ' ἀρισούεται,
Οτε τοι τυράννος κταπτετο,
Ισογόνος τ' Ἀθηνας εποικούεται.

Quod si post Idus illas *Martius* e Tugurio nocte quispiam
tale alequod carmen plebi tradidisset, inque Suburra,
et fori circules, et in ora vulgi intulisset; auctum pro-
fectio fuisset de partibus deque deminutione Cœbium:
plus inherecule valueret unum Armoðion μῆνος quam
Ciceronis *Philippicæ* omnes.

Another

† Dr. Robert Lowth.

As almost all arts and sciences, as well as some of the most useful manufactures, have a connection with each other, they will likewise give each other a mutual assistance. The beautiful

Another important circumstance on this great occasion was neglected by the Roman heroes, Brutus and Cassius. The dead body of the usurper ought immediately to have been thrown into the Tiber. Mark Antony's eloquent, but seditious and pestilent, funeral oration had not in that case been pronounced, nor the multitude driven to madness by his insidious artifices, and the affecting spectacle of the corpse of Cæsar, mangled with many wounds. The republic perhaps had survived, at least during the life of Brutus. The name, and family of the tyrant, might after the *ides of March* have been rendered odious by popular songs, and the Bishop justly blames the Romans for not copying from the Greeks in this respect. Liberty might have triumphed, and so general a horror of tyranny been diffused through the republic, that *Suetonius* could never have shocked all posterity by a detail, ridiculously minute and disgusting, of the monstrous crimes of the usurper's successors, when no longer controlled by fear or any legal restraints. That writer however argues in my opinion against despotic power better than *Sydney*, *Locke*, or *Price*.

The idea in the Greek verses, which the Bishop so justly admires, of the two heroes bearing their daggers in branches of myrtle was taken from what happened at the feast of Panathensea. The Athenians carried large myrtle branches in all their great solemnities and sacrifices. Among these were

beautiful art of *engraving*, which is now carried among us to an astonishing degree of perfection, will come to the aid of her sister *painting*.

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the patriotic *daggers* of Harmodius and Aristogiton concealed. Undoubtedly they thought with all antiquity, that those, who trample on the equal rights of mankind, and rise superior to the laws of their country, so that they cannot be brought to a formal trial, nor made to expiate their crimes by the *sword of justice*, may be righteously punished by the *dagger of patriotism*. The Greeks and Romans not only *spoke daggers*, but *used them* in the cause of liberty, for they believed that the most acceptable sacrifice to the Gods was an usurper, or human tyrant.

*Vidima haud ulla amplior
Potest, magisque opima mactari Jovi
Quam rex iniquus.* SENECA.

When the City of London in 1772 voted a *silver cup* to Mr. Wilkes for his defence of freedom in the case of the printers, and left the design and ornaments to his direction, the *Death of Caesar* in the Roman senate was the subject of his choice. It is certainly one of the greatest sacrifices to public liberty recorded in history. The *dagger* in the first quarter of the City Arms, which of course were to be embossed on the *vase*, does not seem to have suggested to him either the idea of the *dagger*, with which Sir William Walworth, a Lord Mayor of London in the reign of Richard II, killed Wat Tyler, or of the "curtana," the "short *sword*" of St. Paul, according to the idle disputes

of

ing. We have shewn our attention to that art this very session. I hope hereafter, even in this cold, raw climate, to be warmed with the glowing colours of our own *gobelins* tapestry, and I wish encouragement was given by parliament

of dull antiquarians, but probably it furnished the hint of

The dagger went to pierce the tyrant's breast.
POPE.

Julius Cæsar is represented in the *bass-relief* on the *vase*, as he is described by all historians in that important moment, gracefully covering himself with the *toga*, and falling at the base of a pedestal, which supports the statue of Pompey the Great. Brutus, Cæsus, and the other noble Romans, who conspired to restore freedom to their country, form a circle around the body of Cæsar. Their *daggers*, after the godlike stroke, seem streaked with the tyrant's blood, and are raised to heaven. Every eye is fixed on Brutus, who is in the attitude of congratulating Cicero on the recovery of the public liberty, and pointing to the prostrate and expiring usurper. The figure of Brutus stands out in very bold and high *relief*, is particularly striking, and the capital of the whole groupe. At the bottom of the vase is the following inscription, encircled with myrtle and oak leaves.

May every tyrant feel
The keen, deep searchings of a patriot steel!

CHURCHILL.

liament to that noble manufacture, which in France almost rivals the powers of painting. The important advantages of such a commerce too we may learn from our neighbours.

I am not alarmed, sir, at the great expence, which some gentlemen seem to dread as the inevitable consequence of what I have mentioned. The treasures of a state are well employed in works of national magnificence. The power and wealth of ancient Greece were most seen and admitted in the splendour of the temples, and other sublime structures, of *Pericles*. He boasted, that every art would be exerted, every hand employed, every citizen in the pay of the state, and the city, not only beautified, but maintained by itself. The sums he expended on the public buildings of lettered Athens, in the most high and palmy state of Greece, after the brilliant victories over the Persians, diffused riches and plenty among the people at that time, and will be an eternal monument of the glory of that powerful republic. The *Parthenon* only, or Temple of Minerva, acknowledged to be the most beautiful piece of antiquity now remaining in the world,

which is of the purest white marble, cost, with its statues' and sculptures, above a thousand talents, near 200,000l. †

One observation here, sir, naturally occurs, which justice to the *Trustees of the British Museum* demands. No public money has ever been more faithfully, more frugally applied to the purposes, for which it has been given, than what they have received. Perhaps the *Trustees of the British Museum* are the only body of men, who have never been suspected of want either of fidelity or economy. I think therefore we may safely trust them farther, not penitiously, but largely, on a great, national concern, especially when their accounts are so frequently submitted to the examination of parliament.

Learning, sir, and the polite arts, have scarcely more than three enemies, ignorance and stupidity always, superstition often. The noble ‡ Lord with the blue ribband, who is at

the

† In the Tables of the learned Dr. Arbuthnot the Attick Talent is valued at 193l. 15s.

‡ Lord North, First Lord of the Treasury, and Chancellor of the Exchequer.

the head of the finances of this country, possesses wit, genius, a great deal of true taste, and a very cultivated understanding. The most important establishment of this kingdom in taste and literature now supplicates the assistance and protection of this *House*. The fine arts have in his Lordship a judicious admirer, and of consequence a generous benefactor, a powerful protector.

VOTES of April 29, 1777.

A Motion was made, and the Question being put, "That the Resolution of this House,
 " of the 17th of February 1769, that John
 " Wilkes, Esquire, having been in this Session
 " of Parliament, expelled this House, was, and
 " is, incapable of being elected a Member to
 " serve in this present Parliament, be ex-
 " punged from the Journals of this House,
 " as being subversive of the Rights of the
 " whole Body of Electors of this kingdom."

Mr. Wilkes said,

Mr. Speaker,

The important Rights of Election in the people are so deeply interested in the Question, which I think it my duty to move again to this House, that no apology can be necessary for my embracing this, and every opportunity, which the forms of parliament permit, of bringing this business again to our consideration.

Every Elector in the kingdom, sir, was injured by the resolution of the last parliament in the case of the *Middlesex Elections*. A fatal precedent is thereby created of making an *Incapacity* by a *Vote* of this House, where the law of the Land, and common right, rendered the party eligible. The words of the Resolution of the 17th of February, 1769, are, "That John Wilkes, Esquire, having
" been, in this Session of Parliament, expel-
" led

" led this House, was, and is, incapable of
 " being elected a Member to serve in this
 " present Parliament." By this arbitrary and
 capricious *Vote* the House established an *In-*
capacity unknown to the laws of the land.
 It is a direct assuming of the whole legislative
 power, for it gives to the Resolution of one
 House the virtue of an act of the entire legis-
 lature to bind the whole. The King, the
 Lords, the Commons of the realm, suffer
 alike from this usurpation. It effectually
 destroys both the form and essence of this free
 constitution. The right of representation is
 taken away by this vote. It is difficult, sir, to
 decide, whether the despotic body of men, which
 composed the last rotten parliament, intended
 by the whole of their conduct in the Middle-
 sex Elections to cut up by the roots our most
 invaluable Franchises and Privileges, or only
 to sacrifice to the rage of an incensed court
 one obnoxious individual. In either case the
 rights of the nation were betrayed by *that*
 Parliament, and basely surrendered into the
 bands of the minister, that is of the crown.

We are, sir, the guardians of the laws. It
 is our duty to oppose all usurped power in

the King or the Lords.* We are criminal,
when

* The following extract from the speech of Mr. Wilkes to the Livery of London, when he quitted the office of Lord Mayor, Nov. 8, 1775, gives a remarkable instance of an attack on the liberty of the subject by the *House of Lords* in the preceding February.

" The last year, gentlemen, has passed without any attack on our rights and privileges from the House of Commons. That arbitrary and unprincipled body has been almost wholly employed, with the industry and spirit of fiends, in the vain and wicked attempt of perfecting their plans to establish *despotism in New England, and Popery in Canada*. They have stained the British laurels with the guiltless blood of our fellow-subjects in America. But the *House of Lords* early in the present year made a direct attack on the rights of every Commoner in England, and the essential privileges of this city. They ordered a citizen, Mr. Randall, *unbearded*, into custody, without any appeal to a *Jury*, only for disrespectful words against a Member of their House [Lord Lyttelton] Although parties, they endeavoured to establish themselves judges in their own cause, in equal violation of the dictates of common sense and justice, and in the first instance, not by an appeal from an inferior court to them, as the supreme judicature of the kingdom. *The Gentleman Usher of the Black Rod* [Sir Francis Molyneux] came repeatedly with his assistants here to seize a citizen, but notwithstanding the express assertion in the order of the peers, that he should find it a sufficient warrant for the attachment of the body of a freeman, Mr. Randall remained safe in his own house under the protection of the laws, and your Chief Magistrate. The officer of

when we consent to the exercise of any illegal

the *House of Lords* preferred an ignominious retreat to Westminster to the certainty of his own commitment in the city by a *really sufficient warrant*, which I would have issued, if he had persevered. He made a report of what *he had not done*, and that disgraceful entry in the *Journals* of the House of Lords gives us another demonstration, that in this *free* country all usurped authority must in the end yield to law and the constitution, for Mr. Randal has ever since remained among us in perfect security, as unmolested from the illegal attacks of the *Lords*, as Mr. Miller has been from the late similar outrages of the *Commons*, &c.

From the pre-eminence, gentlemen, to which your favour raised me, I now return with pleasure to my former state of one of your magistrates, and to mingle with the mass of my fellow-citizens, &c, &c, &c."

Junius in the letter of May 28, 1770, says, "The arbitrary power they [*the Lords*] have assumed of imposing fines and committing during pleasure, will now be exercised in its full extent;" and in a note he adds, "The man who resists and overcomes this iniquitous power, assumed by the *LORDS*, must be supported by the whole people. We have the laws of our side, and want nothing but an intrepid leader. When such a man stands forth, let the nation look to it. It is not *his* cause, but *our* own."

Junius, vol. 2. p. 98.

In an Address to the Livery of London from the Sheriffs Wilkes and Bell, dated April 6, 1772, it is said, "we may congratulate our countrymen that the number of these unfortunate persons has not been augmented to be increased this session by any illegal Royal

gal power, much more, when we either exercise,

Royal Proclamations, or commitments during pleasure, made by either of the two Houses of Parliament. Their late usurpations on the personal rights and privileges of the people seem to be given up and surrendered. The *Lords* have not dared to unconstitutional an order of imprisonment, nor to impose any fines at their arbitrary will for offences cognizable by *Juries*. No man has been committed at their bar for what their *Votes*, not the laws, declare seditions, nor for what they so readily find a libel on a brother Peer, nor have they ventured to *condemn any person on the first original hearing of a cause, which ought to come before them only by appeal from the inferior Courts after the verdict of a Jury.* The House of Commons have tacitly acquiesced in the claim made by many of our worthy fellow-citizens for *the people at large*, that the constituents have a right to be fully informed of the proceedings of their servants in Parliament. - Their *Votes* indeed assert, "that it is an indignity to, and a breach of, the privilege of this House for any person to presume to give, in written or printed newspapers, any account, or minutes of the Debates; or other proceedings, of the House, or of any Committee thereof," but the usurpation was apparent, as well as the indignity to their masters, and the breach of the privileges of their constituents. Their other *Resolution* in consequence fell into contempt, "that upon discovery of the authors, printers, or publishers of any such written or printed newspaper, the House will proceed against the offenders with the utmost severity." Several honest printers in defiance of their illegal orders gave the public all the

life, or solicit it ourselves. This the state
• House

the particulars of their proceedings during the last Session, proceedings which the House prudently endeavoured to hide in a darkness suited to their deeds. The most natural effect followed, a general abhorrence of them through the nation. The same persons, who asserted our right the last winter, have through the present session continued the exercise of it in its fullest extent. Notwithstanding the *Report* of the "Committee to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of the House, and to consider what further proceedings may be requisite to enforce a due obedience thereto," was, in express terms, that the House should order, that the said J. MILLER be taken into custody of the Serjeant at Arms attending the House, the said MILLER is still at large, full con-

+ That their practice might be every way conformable to their principles, the House proceeded to advise the Crown to publish a *Proclamation* universally acknowledged to be illegal. Mr. Moreton [Chief Justice of Chester, and Attorney-General to the Queen] publicly protested against it before it was issued; and Lord Mansfield, though not scrupulous to an extreme, speaks of it with horror. It is remarkable enough that the very men, who advised the *Proclamation*, and who bear it assigned every day both within doors and without, are not daring enough to utter one word in its defence, nor have they ventured to take the least notice of Mr. Wilber for discharging the persons apprehended under it.

Letters of Janus, vol. 3. p. 166.

House of Commons did in the Address to his Majesty

nges the severest attack upon them by faithfully publishing their proceedings, still braves their indignation, and ---sleeps secure in the city. Among the number of daily offenders of this kind, the corrupt majority in the House of Commons have not presumed to commit a single printer, although by the late Royal Marriage Bill they have invaded the primary inherent rights of human nature, and the divine institutions, in the persons of the descendants of the late most excellent King, and, regardless of the cries of the starving poor, employed themselves this whole Session only to enslave the family of a Prince, whose memory becomes every day more dear and sacred to all true Englishmen. The people are now made the judges of the conduct of their representatives, and the full exertion of the *liberty of the press*, that great bulwark of all our liberties, in support of the constitution, with the other acquisitions for the publick, will render this era ever memorable in our annals. These triumphs over the ministerial faction we hold more important at this period, because they have been gained, when the Chief Magistrate of the capital [William Nasb, Esq.] had betrayed the rights he was chosen to defend, and trampled upon the known privileges of all the electors of this great city, which his upright predecessor [Brisley Crosby, Esq.] vindicated with true spirit and courage, &c., &c."

Mr. Wilkes in the first Parliament of this reign had the honour of being ordered to be taken into custody by the Gentleman Usher of the Black Rod attending the House of Lords---when their Lordships knew he was at Paris.
In his letter, dated Oct. 22, 1764, from Paris, to the Electors

Majesty to dispense with the laws by issuing a Pre-

Electors of Aylesbury, whom he formerly represented, the ground of the complaint against him to the *Lords* is stated. The complaint originated from Lord Sandwich. By an unnatural Alliance between Church and State, between that *law* Lord, and the Right Reverend Father in God, Dr. William Warburton, Bishop of Gloucester, a complaint of privilege had been made to the *House of Lords*, that the name of Warburton had been put to some notes on the *Essay on Woman*, which the Bishop disclaimed, I believe with truth, certainly with great warmth. The pious Earl and meek Bishop helped each other to put on their spiritual armour, and joined their forces in this boist war, which they carried on with religious rage and priestly cruelty. In the letter from Paris it is said, "After the affair of the North Briton, the government bribed one of my servants to steal a part of the *Essay on Woman*, and the other pieces, out of my house. Not quite a fourth part of the volume had been printed at my own private press. The work had been discontinued for many months, before I had the least knowledge of the theft. Of that fourth part only twelve copies were worked off, and I never gave one of those copies to any friend. In this infamous manner did government get possession of this new subject of accusation, and, except in the case of Algernon Sydney, of this new species of crime; for a Stuart only could make the refinement in tyranny of ransacking and robbing the recesses of closets and studies, in order to convert private amusements into state crimes. After the servant had been bribed to commit the theft in his master's house, the most abandoned man of the

a Proclamation for the apprehending of two persons,

" age, [the Earl of Sandwich] who in this virtuous reign had risen to be Secretary of State, was bribed to make a complaint to the House of Lords, that I had published an infamous poem, which no man there had ever seen. It was read before that great assembly of grave Lords and pious prelates, excellent judges of wit and poetry, and ordered to lie on the table, for the clerks of the House to copy, and to publish through the nation. The whole of this proceeding was, I own, a public insult on order and decency; but it was committed by the House of Lords, not by the accused Member of the House of Commons."

Journals of the House of Lords, Nov. 15, 1763.
vol. 30, p. 415.

Complaint was made to the House of a printed Paper, intituled *An Essay on Woman*, with notes, to which the name of the Right Reverend Dr. Warburton, Lord Bishop of Gloucester, a Member of this House, is affixed, in breach of the Privilege of this House, &c.

And some passages in the said printed papers being read.

It was resolved, by the Lords Spiritual and Temporal in Parliament assembled, that a printed paper, intituled, "An Essay on Woman," with the notes, &c, highly reflecting upon a Member of this House, is a manifest breach of the privilege thereof, &c, &c.

Journals of the House of Lords, Jan. 23, 1764.
vol 30 p. 456.

The Lord Mansfield, Lord Chief Justice of the King's Bench, sat Speaker.

Ordered,

persons, not felons, but honest laborious
Printers,

Ordered, That John Wilkes, Esquire, of Great George Street, Westminster [known to be then in Paris] do attend this House to-morrow, [in Westminster].

Journals of the House of Lords, Jun. 24, 1764/
vol. 30, p. 453.

"The Lord Mansfield sat Speaker.

The Yeoman Usher, being called upon to give an account of the service of the Order of this House for the attendance of Mr. Wilkes, acquainted the House, "that he went, with their Lordships said order, yesterday evening to Mr. Wilkes's house in Great George Street, Westminster; and that Mr. Wilkes's servant told him, 'he believed his Master was in France, for that he saw a letter from him on Tuesday last from Paris, that he could not tell the date of it; but as he was told it was six days in coming, he supposes it was dated about the 11th of this month.'

Resolved, by the Lords Spiritual and Temporal in Parliament assembled, That it appearing to this House, that John Wilkes, Esquire, of Great George Street Westminster, is the Author and PUBLISHER of the "Essay on Woman," with notes, &c, he be, for the said offence, taken into the custody of the Gentleman Usher of the Black Rod.

Accordingly, Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod attending this House do forthwith [at Paris] attach the body of the said John Wilkes, and bring him in safe custody to the Bar of this House, to answer for his said offence: And this shall be a sufficient warrant in that behalf.

To

Printers, Wheble and Thompson, in 1771. Yet I have heard this day, and frequently of late, that very House of Commons, notwithstanding this
and

To Sir Septimus Robinson, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

Dominus Mansfield, Capitalis Jutliciarius Banci Regii, declaravit præsens Parliamentum continuandum esse usque ad et in diem Mercurii, vicesimum quintum diem instantis Januarii, hora undecima Aurora, Dominis sic decernentibus.

This unconstitutional power of the Gentleman Usher of the Black Rod, an iron rod, by which the Lords have frequently and sorely chastised the nation, was destroyed by Mr. Wilkes in 1775. Although it may continue a rod of anger, it will be no longer a rod of strength or oppression, a sceptre to rule the people. It is broken, and like unto a reed.

The Lords, Spiritual and Temporal, resolving, on the motion of Lord Sandwich, that Mr. Wilkes had published a poem, which he concealed from every friend, and they gave to the world, demonstrated a tolerable share both of folly and falsehood in their Lordships. It was properly indeed moved by the father of all fraud and treachery, but mankind deemed it in their Lordships a *retaliation* without the least colour of justice, very unbecoming the Supreme Court of Judicature in the kingdom, very becoming the Old Bailey. I shall conclude this disgraceful business with the words of Mr. Wilkes at the Bar of the Court of King's Bench April 20, 1768.

" As to the other charge against me for the publication of a poem, which has given just offence, I will at-

set

and many other violations of freedom, spoken of here with great applause. Gentlemen, sir, look much displeased. There is not, however, sir, I am satisfied, one Gentleman of the law, who will now get up in his place, and justify that illegal *Proclamation*, which

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was

cert that such an idea never entered my mind. I blush again at the recollection that it has been at any time, and in any way, brought to the public eye, and drawn from the obscurity in which it remained under my roof. Twelve copies of a small part of it had been printed in my house at my own private press. I had carefully locked them up, and I never gave one to the most intimate friend. Government, after the affair of the *North Briton*, bribed one of my servants to rob me of the copy, which was produced in the *House of Peers*, and afterwards before this honourable Court. The nation was justly offended, but not with me, for it was evident that I had not been guilty of the least offence to the public. *I pray God to forgive, as I do, the Jury, who have found me GUILTY OF PUBLISHING a Poem I concealed with care, and which is not even yet PUBLISHED, if precise meaning can be affixed to any word in our language.*"

The deepest guilt was Lord Mansfield's, for the Jury were partly insnared by the subtleties and pretended legal distinctions, partly cajoled by the nods, winks, and smiles, of that *arch* enemy of freedom, the artful Scottish Chief Justice, who hurried on, and tried this cause, while Mr. Wilkes was dangerously ill in his bed at Paris from the consequences of an affair of honour.

was protested against in this House by some of the ablest Lawyers among us before it issued, and has since been universally condemned. It was by me set aside judicially, and a man apprehended under that *Royal Proclamation* discharged.†

I observe

† The attack of the late *House of Commons* on the poor Printers, who were protected by Mr. Wilkes and two other magistrates, is of so remarkable a nature, and has been attended with such happy consequences to the public, that it ought to be given at large. Since the beginning of that contest to the present time, the people have regularly been informed of the proceedings of their servants in the House of Commons, in the making of laws to bind them. Almost every newspaper has during the Session of Parliament given us in a formal manner the *Minutes* and *Debates* of both Houses, under their respective heads, *House of Lords*, and *House of Commons*. This is an acquisition of no small importance to the public in a state, where the people have so considerable a share in the government. It was a victory obtained in the cause of liberty, not indeed so glorious as that of *Minden*, nor so important as that of *Culloden*, but meriting *civic crowns* to three magistrates. The following Resolution of the House of Commons however still continues on their Journals.

Journals of April 13, 1738, vol. 23, p. 348.

Resolved, " That it is an high indignity to, and a notorious breach of the privilege of, this House, for any News writer, in letters, or other papers, (as *Minutes* or under any other denomination) or for any:

I observe, sir, on all occasions a + Tenderness for the proceedings of that Parliament,
G 2 which

"any printer or publisher of any printed Newspaper,
of any denomination, to presume to insert in the
the said letters or papers, or to give therein, any
account of the *debates*, or other, proceedings of
this House, or any Committee thereof, as well dur-
ing the recess, as the sitting of Parliament; and that
this House will proceed with the utmost severity
against such offenders."

Did the court of Inquisition even at *Coz* ever endeavour to throw a more *Stygian* gloom over their horrid proceedings than the representatives of a free people did by the foregoing resolution? The glorious triumph of the friends of the people over the *Last* corrupt House of Com-

+ This is happily accounted for in those incomparable lines of the "Epistle to Dr. Shebbeare" published the last month, where the poet apostrophizes the present House of Commons.

Thrice has the sun commenc'd his annual ride,
Since full of years and praise, thy *mother* died.
'Twas then I saw thee, with exulting eyes,
A second phoenix, from her ashes rise;
Mark'd all the graces of thy loyal crest,
Sweet with the perfume of its *parent* nest.
Rare chick! how worthy of all *court carresses*,
How soft, how echo-like, it chirp'd *addresses*.
Proceed, I cry'd, thy full-fledg'd plumes unfold,
Each true-blue feather shall be-tipt with gold.
Ordain'd thy race of future fame to run,
To do, whate'er thy *mother* left undone.
In all *her* smooth, obsequious paths proceed,
For, know, poor *opposition* wants a head.

which is in no respect merited. If however they had been guilty of no other outrage
against

Commons shall be given from their own Journals. The chase of a brace of Printers, by the bounds of Lord North, and the grey-bounds of the King, as his Majesty's messengers are called, with all the doublings and turnings, will perhaps be amusing. Lord North's pack of bounds are acknowledged to be the most staunch, and the best-fed in Europe, as well as to have the most expert whipper-in.

Journal of Feb. 8, 1771, vol. 33, p. 139.

Complaint being made to the House, of the printed Newspaper, intituled, "The Gazetteer and New Daily Advertiser, Friday February 8, 1771, printed for R. Thompson;" and also of the printed Newspaper, intituled, "The Middlesex Journal, or Chronicle of Liberty, from Tuesday, Feburary 5, to Thursday, Feb. 7, 1771," printed for J. Wheble; as misrepresenting the speeches, and reflecting on several of the members of this House, in contempt of the order, and in breach of the privilege, of this House.

Ordered, That the said R. Thompson do attend this House upon Monday morning next.

Ordered, That the said J. Wheble do attend this House upon Monday morning next.

Journals, Feb. 11, 1771, vol. 33, p. 154.

Ordered, that the said R. Thompson and J. Wheble do attend this House upon Monday morning next.

Journals, Feb. 14, 1771, vol. 33, p. 163.

Ordered, That the said R. Thompson and J. Wheble do attend this House upon Tuesday morning next.

Journals, Feb. 19, 1771, vol. 33, p. 183 & 184.

The Order of the day being read, for the attendance of R. Thompson and J. Wheble; and the said R.

Thompson

against the freedom of the subject, this alone respecting the Middlesex Elections, by which

G 3

the

R. Thompson and *J. Wheble* not attending; the messenger to whom the orders of the 8th day of this instant February were delivered, being called upon to give an account of the service thereof, acquainted the House, That he had served the orders of the said 8th day of February, for the attendance of the said *R. Thompson* and *J. Wheble*, upon Monday the 11th day of this instant February; but that he has not served them with any further order for their attendance, on this day, &c, &c.

Ordered, That *R. Thompson* do attend this House upon Thursday morning next.

Ordered, That *J. Wheble* do attend this House upon Thursday morning next.

Journals, Feb. 21. 1771, vol. 33. p. 194.

The several orders of the day being read, for the attendance of *R. Thompson* and *J. Wheble*;

And the said *R. Thompson* and *J. Wheble* not attending, according to order; the messenger, to whom the said orders were delivered, being called upon to give an account of the service thereof, acquainted the House, That he went to the house of the said *R. Thompson* on Tuesday Evening last; and being informed by his servant, that he was not at home, he left a copy of the order for the attendance of the said *R. Thompson*, with the said servant, and desired him to give the same to his master when he came home; that he, the said messenger, went again on Wednesday morning to the house of the said *R. Thompson*, and was again informed, that he was not at home.

The

the constitution is overturned, was sufficient for their full disgrace in the annals of our country.

The messenger also acquainted the House, That he went on Tuesday evening last to the house of the said J. Wheble; that he was told he was not at home, but was expected every minute; that he waited at the house of the said J. Wheble some time, but he not returning, he, the messenger, left a copy of the order for the attendance of the said J. Wheble at his House, and desired it might be given him on his return; and that on calling again on Wednesday morning at the house of the said J. Wheble, he was again informed that he was not at home.

Ordered, That R. Thompson do attend this House upon Tuesday morning next.

Ordered, That the service of the said Order, by leaving a copy of the same at the usual place of abode of the said R. Thompson, be deemed equal to personal service, and be good service.

Ordered, That the service of the said Order, by leaving a copy of the same at the usual place of abode of the said J. Wheble, be deemed equal to personal service, and be good service.

Journals, Feb. 26, 1772, vol. 33. p. 203.

The several orders of the day, for the attendance of R. Thompson and J. Wheble, being read;

And the said R. Thompson and J. Wheble not attending, according to order, the messenger, to whom the said orders were delivered, being called upon, to give an account of the service thereof, acquainted the House, that he went to the house of the said J. Wheble, in Pa-ter-noster Row, on Thursday evening last; and be-
ing

country. The present question has been fully debated twice in this Parliament, many times

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in

ing informed by his servant that he was not home, he shewed the said servant the original order for the attendance of the said *J. Wheble*, and left a copy thereof with the said servant, and desired him to give the same to his master when he came home; which the said servant promised to do.

The said messenger also acquainted the House, that he went to the house of the said *R. Thompson* in Newgate Street, on Thursday evening last; that he was told he was not at home; and that then he shewed the original order for the attendance of the said *R. Thompson* to, and left a copy thereto with, his servant, and desired him to give the same to his Master, which he likewise promised to do.

Ordered, That the said *John Wheble* be, for his contempt, in not obeying the order of this House, for his attendance on the House this day, taken into custody of the Serjeant at Arms, or his Deputy, attending this House.

Ordered, That the said *R. Thompson* be, for his contempt, in not obeying the order of this House, for his attendance on the House this day, taken into the custody of the Serjeant at Arms, or his Deputy, attending this House.

Journals, March 4, 1771, vol. 33, p. 224.

The Deputy Serjeant at Arms attending this House, being called upon to give an account of the service of the orders of the House of Tuesday last, for taking into custody *J. Wheble* and *R. Thompson* acquainted the House, that, though he had been several times at the

in the last House of Commons, and I believe every precedent quoted, which could be produced

respective houses of the said *J. Wheble and R. Thompson*, and had made diligent search after them, in order to take them into custody, he had not yet been able to meet with either of them.

Resolved, That an humble Address be presented to His Majesty, That he will be graciously pleased to issue His Royal *Proclamation*, for apprehending the said *J. Wheble and R. Thompson*, with a promise of a reward for the same.

Journals, March 7, 1771, vol. 33, p. 234.

Mr. Onslow reported to the House, That their Address of Monday last (that His Majesty would be graciously pleased to issue His Royal *Proclamation*, for apprehending *J. Wheble and R. Thompson*, with a promise of reward for the same) had been presented to His Majesty; and that His Majesty had commanded him to acquaint this House, that he will give directions accordingly.

His Majesty's *Proclamation*, issued in pursuance of the said Address, is as followeth:

By the K I N G.

A P R O C L A M A T I O N,

For apprehending John Wheble and R. Thompson.

G E O R G E R.

Whereas on the eighth day of February last, complaint being made to the House of Commons of the printed news-paper, entitled, *The Gazetteer and New Daily*

duced, from times the most favourable, as well as the most hostile, to liberty, from the

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Daily Advertiser, Friday, February 8, 1771, printed for R. Thompson; and also of the printed news-papers entitled, The Middlesex Journal, or Chronicle of Liberty, from Tuesday, February 5, to Thursday, February 7, 1771, printed for J. Whible, as misrepresenting the Speeches, and reflecting on several of the members of the said House, in contempt of the order, and in breach of the privilege, of the said House; it was ordered, that the said J. Whible and R. Thompson should attend the said House of Commons; and they not having obeyed the said order, it was thereupon ordered, by the said House of Commons, that the said J. Whible and R. Thompson should be taken into the custody of the Serjeant at Arms attending the said House, or his Deputy. And whereas the said Deputy Serjeant having informed the House, that he had not been able to meet with the said J. Whible and R. Thompson, or either of them, though he had been several times at their respective bouties, and had made diligent search after them, to take them into custody, an humble address hath been presented to us by the Knights, Citizens, and Burgesses, and the Commissioners for Spires and Burghs, in Parliament assembled, that we would be graciously pleased to issue our Royal Proclamation, for apprehending the said John Whible and R. Thompson, with a promise of a reward for the same: we have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation, hereby requiring and commanding all our loving subjects whatsoever to discover and apprehend, or cause the said

John

semarkable case of Wollafton in the reign of King William, to that no less celebrated of Walpole,

John Whible and R. Thompson, or either of them, to be discovered and apprehended, and to carry him or them before some of our Justices of the Peace, or Chief Magistrate, of the county, town, or place, where he or they shall be apprehended, who are respectively required to secure the said John Whible and R. Thompson, and thereof give speedy notice to one of our principal Secretaries of State, to the end he or they may be forthcoming, to be dealt withal and proceeded against according to law. And for the prevention of an escape of the said John Whible and R. Thompson, or either of them, into parts beyond the seas, we do require and command all our officers of the customs, and other our officers and subjects of and in our respective ports and martime towns and places within our kingdom of Great Britain, that they, and every of them, in their respective places and stations, be careful and diligent in the examination of all persons that shall pass or endeavour to pass beyond the seas; and if they shall discover the said John Whible and R. Thompson, or either of them, then to cause him or them to be apprehended and secured, and give notice thereof as aforesaid. And we do hereby strictly charge and command all our loving subjects, as they will answer the contrary at their peril, that they do not any ways conceal, but do discover him or them, the said John Whible and R. Thompson, to the end he or they may be secured. And for the encouragement of all persons to be diligent and caretul in endeavouring to discover and apprehend the said John Whible and R. Thompson, we do hereby further declare, that whosoever shall discover and apprehend

Walpole, in the latter end of Queen Anne,
An Archangel descending among us would
scarcely

bend the said John Wheble and R. Thompson, or either of them, within three weeks from the date hereof, and shall bring him or them, the said John Wheble and R. Thompson, before some justice of the peace or chief magistrate as aforesaid, shall have and receive, as a reward for the discovery, apprehending, and bringing the said John Wheble and R. Thompson, or either of them, before such justice of the peace or chief magistrate as aforesaid, the sum of Fifty Pounds for each which our Commissioners of our Treasury are hereby required and directed to pay accordingly.

Given at our Court at St. James's, the eighth day of March, 1771, in the eleventh year of our reign.

G O D save the K I N G.

John Wheble was apprehended, and discharged by Mr. Wilkes, March 35, 1771. If administration had wished to have tried the legality of the King's Proclamation, they had the fullest evidence against Mr. Wilkes under his hand, for he wrote *the same day* an account of his conduct on that occasion to Lord Halifax, one of His Majesty's principal Secretaries of State. This was certainly the *speedy notice* required to be given to a Secretary of State by the Proclamation. Mr. Wilkes took this opportunity of renewing his correspondence with the Earl of Halifax.

Guildhall of London, March 35, 1771.

My Lord,

I had the honour of officiating this day as the Sitting Justice at Guildhall. John Wheble, the Publisher of the Middlesex Journal, a freeman of London,

scarcely give a new, original idea on this subject. I shall therefore reserve myself, sir, for

don, was apprehended and brought before me by Edward Twine Carpenter, who appears to be neither a Constable, nor Peace-Officer of this City. I demanded of what crime Wheble was accused, and if oath had been made of his having committed any felony or breach of the peace, or if he lay under a suspicion strong enough to justify his apprehension or detention. Carpenter answered, that he did not accuse Wheble of any crime, but had apprehended him merely in consequence of *His Majesty's Proclamation*, for which he claimed the reward of 50*l.* As I found there was no legal cause of complaint against Wheble, I thought it clearly my duty to adjudge, that he had been apprehended in the City *illegally*, in direct violation of the rights of an Englishman, and of the chartered privileges of a citizen of this metropolis, and to discharge him. He then made a formal complaint of the assault upon him by Carpenter. I therefore bound him over to prosecute in a recognizance of 40*l.* and Carpenter to appear and answer the complaint at the next Quarter Sessions of the Peace for this City in a recognizance of 40*l.* himself, with two sureties in recognizances of 20*l.* each. I am, My Lord,

Your Lordship's most obedient,
Right Honourable the humble Servant,
Earl of Halifax. JOHN WILKE

Extract from the Guildhall Rota Book.

Guildhall, March 15, 1771.

John Wheble, the Publisher of the Middlesex Journal, was this day brought before Mr. Alderman Wades

the reply, if I hear any material objections
to the motion, which I shall have the honour
of

at Guildhall, by Edward Twine Carpenter, a Printer,
being apprehended by him in consequence of a *Proclamation* in the London Gazette of Saturday the 9th of
March instant; but the said Edward Twine Carpenter
not having any other reason for apprehending the
said Mr. Wheble than what appeared in that *Proclamation*, the said Mr. Wheble was discharged; and then
the said Mr. Wheble charged Carpenter for assaulting
and unlawfully imprisoning him, and on his making
oath of the offence, and entering into a recognizance to
prosecute Carpenter at the next Sessions in London,
Carpenter was ordered to find sureties to answer for
this offence, which he did, himself being bound in
40l. and his two sureties in 20l. each, and was there-
upon discharged.—Carpenter requested a Certificate of
his having apprehended Wheble, which was given him.

Guildhall, March 25, 1772.

This is to certify, that John Wheble, the Publisher
of the Middlesex Journal, was this day apprehended
and brought before me, one of His Majesty's Justices
of the Peace for the City of London, by Edward
Twine Carpenter, of Hooper-Lane, London, Printer.

JOHN WILKES, Alderman.

On the application of Carpenter to the Treasury for
the reward of 50l. promised in the King's *Proclamation*, and producing the above certificate, he was dis-
missed with insolence, and that, with many other royal
debts, is still unpaid. R. Thompson, the other person,
described in His Majesty's *Proclamation*, was after-
wards

of submitting to the House. I can foresee only one objection, which I shall endeavour to obviate

wards apprehended, and carried before Mr. Alderman Oliver, who discharged him.

The circumstances of the whole business of Miller, and the commitment of Mr. William Whitham, one of the messengers attending the House of Commons, are given in the "Report from the Committee appointed to examine into the several facts and circumstances relative to the late obstructions to the execution of the Orders of this House," published by order of the House of Commons. I shall however add some other particulars not given at large in the Journals.

Copy of the Warrant for apprehending J. Miller, the Printer of the London Evening Post.

WHEREAS the House of Commons did, on Thursday the 14th of this instant March, adjudge and order, that J. Miller (for whom the news-paper intituled the London Evening Post, from Thursday March 7, to Saturday March 9, 1771, purports to be printed, and of which paper a complaint was made in the House of Commons on the said fourteenth day of March) be, for his contempt in not obeying the order of the said House upon Thursday the fourteenth day of this instant March, taken into the custody of the Serjeant at Arms, or his Deputy, attending the said House.

These are therefore to require you forthwith to take into your custody the body of the said J. Miller, and him safely keep, during the pleasure of the said House, and all Mayors, Bailiffs, Sheriffs,

Under

obviate, and I hope the House will think that delicacy ought to yield to justice.

Gen-

Under Sheriffs, Constables, and Headboroughs, and every other person are hereby required to be aiding or assisting to you or your Deputy in the execution thereof. For which this shall be your sufficient warrant. Given under my hand, the fifteenth day of March one thousand seven hundred and seventy-one.

F Lt. NORTON, Speaker.

To Nicholas Bonfoy, Esq; Serjeant at Arms, attending the House of Commons, or John Clementson, Esq; his Deputy, or to William Whitham, one of the messengers attending the House of Commons.

To all and every the Constables and other Officers of the Peace for the City of London, and the Liberties thereof, whom these may concern, and to the Keeper of Wood-Street Compter.

London to wit,

These are in His Majesty's name, to command you, and every of you, forthwith safely to convey and deliver into the custody of the said Keeper, the body of William Whitham, being charged before us, three of his Majesty's Justices of the Peace in and for the said City and Liberties, by the oath of John Miller, Henry

Gentlemen I observe have scruples of re-scinding former Resolutions, not knowing they

try Page, John Topping, and Robert Page, for assaulting and unlawfully imprisoning him the said John Miller, in breach of his said Majesty's peace; whom you, the said Keeper, are hereby required to receive, and him in your custody safely keep, for want of securities, until he shall be discharged by due course of law; and for your so doing this shall be to you, and to each of you, a sufficient warrant. Given under our hands and seals this 25th day of March, 1771.

BRASS CROSBY, Mayor, L. S.

JOHN WILKES, L. S.

RICHARD OLIVER, L. S.

Journals, March 20, 1771, vol. 33. p. 375.

The Order of the day being read, for the attendance of Morgan, Clerk to the Lord Mayor of the City of London, with the Minutes, taken before the Lord Mayor, relative to the messenger of this House giving security for his appearance at the next General Quarter Sessions of the Peace for the City of London to answer to such indictments as may be preferred against him, for the supposed assault and false imprisonment of J. Miller.

And James Morgan, Clerk to the Lord Mayor attending accordingly, he was called in; and the Book, containing the said Minutes, being produced by the said James Morgan, was brought up to the Table; and the Entry of the said Minutes, therein contained, was read;

Ordered, That James Morgan, Clerk to the Lord Mayor, do at the Table exchange the said Entry.

And

they say where such a practice may stop. It is a scruple in my opinion very ill founded!

Vol. II.

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And the said James Morgan expunged the said Entry at the Table accordingly.

Junius observes, *By mere violence, and without the shadow of right, they have EXPUNGED the record of a judicial proceeding. Nothing remained but to attribute to their own Vote a power of stopping the whole distribution of criminal and civil justice. Lord Chatham very properly called this the ACT OF A MOB, not of a Senate.*

Junius, vol. 2. p. 160.

Journals, March 30, 1771, vol. 33, p. 276.

Ordered, "That no other prosecution, suit, or proceeding, be commenced, or carried on, for or on account of the said pretended assault, or false imprisonment."

Notwithstanding this Order, Mr. Wilkes on the 8th of April 1771 delivered in to the Court of Quarter Sessions of the Peace at Guildhall the two following Recognizances, together with those of John Wheble and Edward Twiss Carpenter, and another for a felony committed by Sarah Ferrand.

London to wit,

John Miller, of Pater-noster Row, London, Printer, 201.

Upon condition, that if the above bounden John Miller shall personally appear at the next Sessions of the Peace to be holden for the City of London, and then and there prosecute the law with effect, and give evidence on his Majesty's behalf, upon a bill of indictment to be exhibited to the Grand Jury against William Whit-

ham,

The first great object is truth, and we ought to follow where that leads. It is a duty, sir, which

dam, for assaulting and falsely imprisoning him the said *John Miller*, in breach of his said Majesty's peace: And in case the same shall be found and returned by the said Jury to be a true Bill, then if the said *John Miller* shall personally appear before the Jurors that shall pass on the trial of the said *William Whitbam*, to be holden for the said city at the Guildhall of the same city, then and there to prosecute and give evidence upon the said indictment, and not depart the Court without leave. Then this Recognizance to be void, or else to remain in full force.

Acknowledged at the Mansion House, London, the
15th day of March 1771, before us

BRASS CROSBY, Mayor,
JOHN WILKES,
RICHARD OLIVER.

London to wit,

William Whitbam, of College-Street in the city of Westminster, Gentleman, 40l.

William Hurford, of the City of London, Coal Merchant, 20l.

Robert Withy, of Islington in the County of Middlesex, Gentleman, 20l.

Upon condition, that if the above bounden *William Whitbam* do personally appear at the next Sessions of the Peace to be holden for the City of London, then and there to answer such matters and things as shall be objected against him on his Majesty's behalf, and in particular for assaulting and falsely imprisoning *John Miller*, and in the mean time to keep the peace of our So-

which we owe in this case more particularly
to the people, but alas ! their happiness, their
H 2 security,

Sovereign Lord the King and to be of good behaviour,
and not depart the Court without licence ; that then
this Recognizance to be void and of none effect, or
otherwise to be and remain in full force and virtue.

Taken and acknowledged at the Mansion House,

London, this 15th Day of March, 1771, before us

BRASS CROSBY, Mayor,

JOHN WILKES,

RICHARD OLIVER.

The Grand Jury at Guildhall found the Bills
of Indictment against *William Whiteman*, and *Edward Twine Carpenter*.

All the proceedings were afterwards moved by
Carteret into the King's Bench. The scene of
the House of Commons and the Printers was fi-
nally closed by the Attorney-General's, *Thurlow's*,
grant of the *Noli Prosequi*.

Mr. Wilkes received the following Order to at-
tend the House of Commons on the 20th of March,
1771.

House of Commons, Martis 19° die Martii, 1771.

(C O P Y)

The House of Commons having yesterday re-
ceived information that one of the Messengers of
this House, after he had arrested J. Miller, by
virtue of the warrant of the Speaker of the House
of

Security, their very lives are no longer the objects of consideration with our intranom rulers,
not,

of Commons, to answer for a contempt of the said House, was carried by a constable upon a charge made against the said Messenger by the said J. Miller, for an assault and false imprisonment made upon the said J. Miller in the said arrest, before Barth Crosby, Esq; Lord Mayor of the City of London, where John Wilkes, Esq; Alderman, and Richard Oliver, Esq; were present; when the Deputy Serjeant at Arms, attending this House, acquainted the said Magistrates that the said arrest of the said J. Miller was made by the said Messenger under a warrant signed by the Speaker of the House of Commons; which warrant was then produced and shewn to the said Magistrates, and demanded of them that the said messenger should be discharged, and the said J. Miller delivered up to the custody of the said messenger; and that the said Lord Mayor, John Wilkes, Esq; and Richard Oliver, Esq; after such information and demand as aforesaid, signed a warrant for the commitment of the said messenger to the Comptier for the said supposed assault and false imprisonment of the said J. Miller, and obliged the said messenger to enter into a Recognizance for his appearance at the next quarter sessions of the peace to be held for the city of London, to answer to such indictments as should then be found against him for the said supposed assault and false imprisonment.

Ordered

not, as we have experienced, even of attention with the *majority* in this House. § If

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the

Ordered that *John Wilkes, Esq;* do attend this House to-morrow morning.

J. HATSBELL, Cl. Dom. Comp.

London, March 20, 1771.

SIR,

"I this morning received an order commanding my attendance this day in the House of Commons. I observe that no notice is taken of me in your order as a Member of the House, and that I am not required to attend in my place. Both these circumstances, according to the settled form, ought to have been mentioned in my case, and I hold them absolutely indispensable. *In the name of the Freeholders of Middlesex, I again demand my seat in Parliament*, having the honour of being freely chosen, by a very great majority, one of the representatives for the said county. I am ready to take the oaths prescribed by law, and to give in my qualification as Knight of the Shire.

When

§ The last Session gave a most indecent proof of the truth of this observation, as to the conduct of the present *Majority*. The honorable Temple Luttrell, Member for Milbourne Port, stated in a most masterly manner to the House the illegality of the *Press Warrants* then in force against the subject, and painted in all the colours

of

the last parliament have acted wrong, let us reform their errors. If they have established a wicked

When I have been admitted to my seat, I will immediately give the House the most exact detail, which will necessarily comprehend a full justification, of my conduct relative to the late illegal *proclamation*, equally injurious to the honour of the Crown, and the rights of the subject, and likewise the whole business of the printers, I have acted entirely from a sense of duty to this great City, whose franchises I am sworn to maintain; and to my country, whose noble constitution I reverence, and whose liberties at the price of my blood, to the last moment of my life, I will defend and support.

I am, Sir,

Your humble servant,

JOHN WILKES.*

*Mr. Hon. Sir Fletcher Norton,
Speaker of the House of Commons.*

Journals,

of horror and despair, the cruelties of the *Press-Gangs* let loose upon the people. He spoke with a perfect knowledge of the subject, with warmth and energy, but he spoke to an audience grown callous to all feelings for the public, to a set of men dead to every sentiment of humanity and love of their country, alert only to seize its plunder. He convinced the judgment by the clearest proofs before he made an appeal to the passions.

Among

a wicked precedent, we ought to reverse it.
If we have ourselves committed injustice, let us

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afford

Journals, March 20, 1771, vol. 33. p. 275.

Ordered, That *John Wilkes, Esquire*, do attend this House upon Monday morning next.

Journals, March 25, 1771, vol. 33. p. 286.

Ordered, That *John Wilkes, Esquire*, do attend this House upon this day fortnight, the 8th day of April next.

Journals, March 30, 1771, vol. 33. p. 297...

And then the House adjourned till Tuesday sevennight, the 9th day of April next.

Junius

Among the variety of facts, by which he supported his motion, one only was sufficient to unite all the sharers of the national spoil against the humane Bill, which he proposed on principles strictly just and constitutional. The single article of perquisites, extorted from the public, to the Board of Admiralty, and their disinterested first Lord, for *pretensions* during an *impress*, was stated to amount to above 14,000l. a year. The Bill would have been highly beneficial to the sailor, by *augmenting his wages, limiting his time of service, and providing for him under the infirmities of age*, but the Board of Admiralty and Lord Sandwich would have lost annually 14,000l. Mr. Luttrell was ably supported by Governor Johnstone, an officer

afford all the reparation in our power. We have given the world a remarkable instance of our

Fustius says, "upon their own principles, they would have committed Mr. Wilkes, who had been guilty of a greater offence than even the Lord Mayor or Alderman Oliver. But after repeatedly ordering him to attend, they at last adjourned beyond the day appointed for his attendance, and by this mean, pitiful evasion, gave up the point. Such is the force of conscious guilt."

Journals, vol. 2. p. 163.

writer of distinguished merit in the Royal Navy, a wise and spirited Senator, and a friend to the liberty of the subject. Sir George Savile, Sir Edward Astley, the right honourable Thomas Townshend, Sir George Yonge, and several other gentlemen, spoke in favour of the motion, but the majority refused even to receive the Bill, and to give it a first reading. The generous hopes of Mr. Luttrell to serve the cause of the constitution and the Royal Navy were at that time blasted by the pestilential breath of corruption. The public however look up to his firm virtue, and the Navy hope protection, from his future efforts at a favourable moment, when the people may have it in their power to vindicate all their rights.

Votes

our repentance this very session in the case of
Mr. Rumbold and Mr. Sykes. On the 22d of No-
vember

Votes of March 11, 1777.

A Motion was made, and the Question being put, "That leave be given to bring in a Bill, " for the more easy and effectual Manning of the " Royal Navy, in times of war, and for giving " encouragement to seamen and sea-faring persons " to enter voluntarily into His Majesty's service."

It passed in the negative.

The late *Pensioner David Hume* observes, " 'Tis a maxim in politics, which we readily admit as undisputed and universal, *That a power, however great, when granted by law to an eminent magistrate, is not so dangerous to liberty, as an authority, however inconsiderable, which he acquires from violence and usurpation.* — The exercise of an illegal power is in the *pressing* of seamen tacitly permitted in the crown; and though it has frequently been under deliberation, how that power might be rendered legal, and granted under proper restrictions to the sovereign, no safe expedient could ever be proposed for that purpose, and the danger to liberty always appeared greater from law than from usurpation — — [Mr. Hume did not live to see Mr. Pitt's plan.] A continued and open usurpation of the crown is permitted, amid the greatest jealousy and watchfulness in the people; nay proceeding from those very principles: Liberty, in a country of the highest liberty, is left

ember last the Order to the Attorney-General to prosecute Thomas Rumbold, Esq; and Francis Sykes, Esq; as *principal promoters and suborners of corrupt and wilful perjury* at the Election for Shaftesbury, was discharged, on the motion of as respectable a Gentleman as ever sat in parliament. The Order however was made by ourselves in the very last session, on the 14th of February preceding the reversal,

I have not yet, sir, an inclination to quit the company of Messieurs Sykes and Rumbold. Their case will serve me farther in my reasonings. It is a strong argument against *Expulsion* necessarily including *Incapacitation*. I will suppose, sir, that instead of the House having

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left entirely to its own defence, without any countenance or protection : The wild state of nature is renewed in one of the most civilized societies of mankind ; And great violences and disorders among the people, the most humane and the best natured, are committed with impunity ; while the one party pleads obedience to the supreme magistrate, the other the *sanc*tion* of fundamental law* ;

Essays and Treatises on several Subjects.

By David Hope, Esq; vol. 1. p. 408.

¶ Sir George Savile, Baronet.

determined, in April 1775, in the first session of the present parliament, that neither of those two gentlemen, on account of their notorious bribery and corruption at Shaftesbury, were duly elected, it had then been voted that they were guilty of being the principal promoters and suborners of wilful and corrupt Perjury, a Resolution the House did actually come to in Feb. 1776, and in consequence of so black a crime they had been *expelled*. *Subornation of wilful and corrupt Perjury* is surely a more atrocious sin, and more merits *expulsion*, than the writing a Libel. Afterwards let me likewise suppose the House change their opinion, and find that they proceeded without sufficient evidence, a Resolution the House did actually come to in November 1776. By the courtly, but unparliamentary, doctrine now pretended to be established, that *Expulsion* means *Incapacitation*, you would not have it in your power to restore them to their seats, although you were perfectly convinced of their innocence. Justice would call aloud upon you to do it, because it appeared that no *legal proof*, no *sufficient evidence*, was given, on which you had founded so rash, so unjustifiable a

judgment. The cries of justice however would little avail with a venal senate against ministerial despotism, or a royal edict in the form of a *parliamentary resolution*. My first expulsion, sir, in January 1764, was for being the *Author of the North Briton, No. 45.* Where is to this hour the *legal proof*, by the oaths of twelve of my countrymen, to be found of that charge? I have never even been tried upon that accusation. A court of law determined on a different charge, that of the *republication*, a charge, which might have been brought against five hundred other persons.

As little delicacy, sir, has been shown by us to the *acts* of former parliaments, as to our own *resolutions*. Have we manifested any tenderness to the memory of the first parliament, which was called in his present Majesty's reign? That parliament declared, and declared truly, in the Civil List Act, that 800,000l. was "a *competent* revenue for defraying the expences of his Majesty's Civil government, and supporting the dignity of the crown of Great Britain." Within these few days we declared that 800,000l. was not a *competent sum*, and "that for the better support

" support of his Majesty's household, and of
 " the honour and dignity of the crown, there
 " be granted to his Majesty, during his life,
 " out of the Aggregate Fund, the clear year-
 " ly sum of 100,000l. to commence from the
 " 5th of January 1777, over and above the
 " yearly sum of 800,000l. granted by an act
 " made in the first year of his Majesty's reign." If the sum of 800,000l. was competent to these great purposes, we had no right to vote more of the people's money. We were *imprudent*, and *prodigal* Trustees for the nation, not to use a more harsh expression. Let us hear no more of the amazing depth in finance of any modern *Sully*, or of a pretended *economy* in the management of the public, or the royal,

RE-

+ Henry IV. and *Sully*, his great Minister of finance, were sacrificed by all the mercenary writers of the court in 1763 to George III. and the Earl of *Bute*, his first Lord of the Treasury, with his incomparable *espquier, Sanchez*, the Chancellor of the Exchequer, then *Sir Francis Dashwood*, now *Lord Le Despencer*. The moonshine beams of the two last satellites only scoured our *excised Cyder* and *Perry*, and then they sunk to all appearance beneath our horizon at the same moment, on the lamented 16th of April 1763. But the glorious luminary round which they moved, continues to warm us on this side the Atlantic with his resplendent rays, although perhaps he scorches our American brethren with his fierce beams.

revenues. We likewise voted the last week above 600,000l. as the last parliament had above 500,000l. much above a million in all, on the same pretext of paying the *debts* of the King, when his Majesty had enjoyed a *competent* revenue of 800,000l. clear of all deductions and contingencies, and those *debts* were of the most suspicious nature, even as to the independency of this House. Let us not therefore, sir, affect more tenderness for the last parliament in so flagrant an instance of injustice, as the case of the Middlesex Elections, than we have shewn to them, and to ourselves too, in other respects. We ought, if we are men of honour and principle, to do justice to all the Electors of this kingdom, and by a formal repeal to make satisfaction to those zealous defenders of liberty, the spirited free-holders of this injured and insulted county.

I desire, sir, to recall to the memory of many gentlemen, what passed in this House in the last parliament on one of the great debates respecting the Middlesex Elections. A noble Lord, the darling of his country, as well as the favourite of our army, whose memory is dear to every Englishman, for he joined to the

bravery

brawny of Cæsar all the mild and gentle qualities of our English hero, Edward the Black Prince, that noble Lord, sir, stood up in his place here, and solemnly asked pardon of his country for having, as he said, wounded the constitution, and violated the rights and privileges of this kingdom by voting as he had done in this House in the business of the Middlesex Elections. He did not stop there. He was anxious to make public preparation for a mistaken opinion—but of such moment—and he afterwards joined the *Opposition* in an important question respecting the discontents of the people on this very subject. We may all, sir, imitate the love of justice and candour, if we cannot reach the high courage of that illustrious, immortal character, the late *Marquis of Granby*.

While the Resolution, which I have mentioned, is suffered to continue on our Journals, I shall believe, sir, that the elective rights

† Lord Granby himself thought proper to condemn, retract, and disavow, by a most solemn declaration in the House of Commons, that very system of political conduct, which Junius had held forth, to the disapprobation of the public.

rights of the nation lie at the mercy of the Minister, that is in fact of the Crown, and that the dignity and independency of parliament are in danger of being entirely destroyed. It is evident, that no gentleman now holds his seat by the choice of his constituents, but only by the good-will, and at the pleasure, of the Minister, or by the Royal permission. The tenure is equally precarious, and unjust, for the constitution has clearly lodged in the people the right of being represented in this House, by the man, who is the object of their choice. A committee can never have but that single question to determine, provided the party is by law eligible, and has pursued only those methods, which are warranted by law. I will seize every opportunity of importuning, of conjuring the House, if they have any reverence for the laws, utterly to rescind this unconstitutional and iniquitous resolution. We owe it to the present, and to every future age, and therefore I move, " that the Resolution of the House of the 17th of February 1769, that John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, was, and is, incapable of "

" being

" being elected a Member to serve in this present
" Parliament, be expunged from the Journals
" of this House, as being subversive of the
" rights of the whole body of Electors of
" this kingdom."

Extract from "A Report from the Committee appointed (upon the 27th day of March 1771) to examine into the several facts and circumstances relative to the late obstructions to the execution of the Orders of this House; and to consider what further proceedings may be requisite to enforce a due obedience thereto; and to report their proceedings, together with their opinion, from time to time, to the House."

The Committee appointed to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of this House, and to consider what further proceedings may be requisite to enforce a due obedience thereto, and to report their proceedings, together with their opinion, from time to time, to the House, have, in obedience to the Order of the House, begun by examining into the facts and circumstances relating to the late obstructions to the Orders of the House; and, in order thereto, called before them,

William

William Whitham, one of the messengers attending this House; who said, " That he had had no other warrant but that for taking J. Miller into custody, on the 15th of March, 1771: It was directed to Mr. Benjey, Mr. Clementson, and himself, with orders to go and take *Miller* into custody; and he proceeded, and came to *Miller's* house about 2 o'clock; and he asked if *Miller* was at home, and was informed he was above stairs, and would be down in a little time; that he waited about a quarter of an hour, when *Miller* came down, and went into his compting-house; that he (*Whitham*) followed him, and told him, he hoped he would not be surprized, that he had the Speaker's Warrant for taking him into custody, and offered to shew the warrant to him; and that he (*Miller*) just cast his eye upon it, and said, that the Messenger had no authority to take him, and he should take no notice of it; whereupon he (the Messenger) laid his hand upon *Miller's* arm, and told him he was his Prisoner, and that he must go with him. *Miller* said, that he had assaulted him in his own house; and there-

" upon told one of the persons present to go
" and fetch such a one, but does not remem-
" ber the name of the constable, who came
" in a few minutes, and *Miller* charged the
" constable with him for the assault, and re-
" quired the constable to carry him before
" the fitting alderman; that as he (*Whit-
bam*) was going into the court where
" *Miller* lives, he saw a man, whom he takes
" to be the constable, come out of *Miller's*
" house, and go into a house near the open-
" ing into the court; and, by the shortness of
" the time, which was about three or four
" minutes, he judged the constable might
" come from that house; that the constable
" came into the compting-house, and *Miller*
" charged him to take the Messenger (*Whit-
bam*) into custody; the constable charged
" all present to assist him, and the Messenger
" gave the like charge to all present on his
" behalf; that he is not sure the constable
" laid his hands on him; but, finding they
" were determined to arrest him, he made no
" resistance; that he apprehends a coach was
" ready by order, as there was not time to
" call one from the stand: the constable, and

" one Clarke, and Miller, and he (the Messenger), went into the coach, which was ordered to drive to Guildhall, and did so.

" That, when they arrived at Guildhall, they went up stairs, and were informed that the Sitting Alderman was gone; that as soon as they arrived at Guildhall, Clarke went for Mr. Clementson; that he did not hear any one in particular directed to go to the Mansion House; but that several persons followed Miller to Guildhall; and in about a quarter of an hour, word was brought that the Sitting Alderman was at the Mansion House; whereupon they went thither, and were taken into the room where business is usually done: They staid there about a quarter of an hour, when word was brought that he (Miller) could not be examined till six o'clock:—That he (Whitbam) desired he might not be examined before Mr. Clementson came; that they staid a short time, when a gentleman came and desired Miller and him to follow him, who shewed them into a room where people were dining; they dined, and then went into another room, where he and Miller staid till they were

" were called to the Lord Mayor; who was
 " in his bed-chamber with Aldermen Oliver
 " and Wilkes, and several other persons; that
 " he met Mr. Clementson as he was going in-
 " to the room to the Lord Mayor. The
 " Lord Mayor began by asking Miller con-
 " cerning his being taken into custody by the
 " messenger; and Miller gave an account of
 " it; then the Lord Mayor asked him (the
 " messenger) By what authority he took
 " Miller? He answered by the authority of
 " the Speaker's warrant, which the Lord
 " Mayor ordered him to produce; he did so,
 " and was ordered by Mr. Clementson to read
 " it, but not to deliver it out of his hands;
 " that as he was going to read it, the Lord
 " Mayor said, he must have the inspection of
 " it, or no notice could be taken of it;
 " that he then delivered it to the Lord
 " Mayor upon his promise it should be re-
 " stored to him; that the Lord Mayor
 " took and read it; and he or Mr. Morris,
 " but rather thinks the latter, ordered a copy
 " to be taken of it, and a copy was taken
 " accordingly:—That the Lord Mayor asked
 " him, if he had applied to any Civil Magis-
 " trate

"trate to back the warrant, or whether he
 "was a Peace-Officer? To both which he
 "answered in the negative: — The Lord
 "Mayor then asked, By what authority he
 "could take a Citizen into custody? That he
 "(the messenger) answered, By the Speaker's
 "warrant, which he thought sufficient; and
 "the Lord Mayor then said, He had no autho-
 "rity to take up any one in the City, without
 "his or the authority of some city magistrate.

"Then three witnesses were sworn to the facts
 "which passed at *Miller's*; and that thereupon
 "Mr. *Clementson* informed the Lord Mayor,
 "that he was come by the Speaker's order to
 "demand the messenger and his prisoner:
 "he does not recollect the answer which was
 "given to this demand; but some arguments
 "passed, and Mr. *Morris* spoke a good deal:
 "Then the Lord Mayor said, that he (the
 "messenger) must be committed to the *Com-
 ter*, and *Miller* must be discharged; and
 "ordered a *Mittimus* to be drawn, and that
 "he saw the Lord Mayor sign it: That Mr.
 "Morris then said, it would be proper that
 "the other two Aldermen should sign it, who
 "did so, in the presence of him the messenger:

" The Lord Mayor then said, he did not desire them to be concerned, but would take it upon himself: That, before the warrant was quite completed, the Lord Mayor or Mr. Morris said, there was bail in the room, if it was liked of; and one Mr. Hurford, Mr. Withy, and Mr. Reynolds an Attorney, offered to be bail, before the Lord Mayor said, I must give bail; that he thanked them, but did not know whether he should have occasion for it; and said that he never had applied to them for it.

" That he declined giving bail, Mr. Clementson saying it was not proper; and the warrant was signed and sealed: Mr. Clementson then said, that he was ready to give bail; whereupon the Lord Mayor grew warm, and said he was trifled with; and that he then said, that he, or we, would not then take bail, or words to that purpose; upon which, there was some noise and clapping of hands in the room; and there followed some discourse between the Lord Mayor, Mr. Clementson, and Mr. Morris; and he thinks, in consequence, it was agreed to take bail; and

" and *Hurford* and *Withy* gave bail, and Mr. Clementson agreed to it.

" That Mr. Clementson and he (the messenger) were afterwards sent back from the Speaker's to the *Mansion House*, for a copy of the warrant of commitment; and were refused it, being told, it was not to be found, but, if it should, they might have it in the morning.—That he (the messenger) went a second and third time; and was told the last time, he might have a copy of the *Recognizance* a little before the *Quarter Session*, if he desired it; but that the copy of the warrant was of no use after bail was given."

The Committee then proceeded to examine Mr. Clementson the Deputy Serjeant at Arms, —who said, " That he went to the Speaker's house on *Friday* the 15th of *March* to see if the warrant was signed for taking *Miller* into custody; that the Speaker's secretary had prepared it, and the Speaker signed it, and delivered it to him (Clementson) who gave it to the messenger, and told him, that if he found any difficulty, to send for him, who should be at home.—That he heard nothing

" nothing more, till half an hour past three
 " o'clock; then a person came to him, and
 " told him, he must come, for that the mes-
 " senger was taken up by a Constable, and
 " charged with an assault.—That he went
 " to the Speaker's, and told him of it, who
 " gave him directions to go and demand the
 " messenger, and his prisoner; and that if
 " bail was necessary, he must give it; but
 " that he must see him committed first.—That
 " he went first to *Guildhall*, about five o'clock,
 " but found nobody there, and was told, he
 " should hear of them at the *Mansion House*.
 " —That he went there, and was introduced
 " to the Lord Mayor, in his bed-chamber.
 " —That he told the Lord Mayor, he
 " understood, that the messenger, to whom
 " the warrant was directed for apprehending
 " *Miller*, was taken up by a Constable, and
 " charged with an assault; that he therefore
 " desired to know, if the messenger had been
 " brought before him.—That the Lord Mayor
 " said, he had been told, that a person, who
 " was called a messenger of the House of
 " Commons, had been brought there, and
 " charged with an assault.—That he (*Clement-*
 " *son*)

" *she*) waited in an anti-room till six o'clock.—
 " That the messenger then came, and *Miller*
 " and a Constable (*John Downe*) and a large
 " concourse of people.—Then they went in,
 " to the Lord Mayor; Alderman *Wilkes* and
 " Alderman *Oliver* were there with him.—
 " The Lord Mayor asked, what was the pur-
 " pose of their coming thither? *Miller* said,
 " he charged *Whitbam*, the messenger, with
 " an assault. On this Mr. *Robert Morris* ap-
 " peareſt, and faid he was counſel for *Miller*
 " the prosecutor.—He ſaid, that *Miller* had
 " been violently assaulted, and falsely impri-
 " ſoned, by an illegal warrant.—*Downe*, the
 " Constable (who was asked for by the Lord
 " Mayor) ſaid, *Miller* had applied to him,
 " about one or two o'clock, and had com-
 " plained of an assault on him, in his own
 " house, by the messenger, and charged him
 " to take the messenger into custody; he
 " therefore took him into custody, in order to
 " carry him before a proper magistrate.

" *Miller* was then called upon; who ſaid,
 " That a person who called himſelf a mes-
 " ſenger of the House of Commons came to
 " him, and took him into custody, by virtue
 " of

" of a pretended warrant.—That *Miller* was
 " then sworn by the Lord Mayor, and said
 " upon his oath, that what he had before said
 " was true. He went on, and said, he had
 " refused to go with the person.—That the
 " person had used violence, and had seized
 " hold of him, and was pulling him along.—
 " That the Lord Mayor asked the messenger,
 " what offence *Miller* had committed, or what
 " authority he had for assaulting *Miller* in
 " this manner? The messenger said, he had
 " the Speaker's warrant, directed to him, to
 " take *Miller* into custody. The Lord Mayor
 " asked where the warrant was? That he
 " (*Clementson*) told *Whitbam* to open it, and
 " read it himself.—That the Lord Mayor or
 " Mr. *Morris* (he can't say which) said it
 " must be produced.—That he (*Clementson*)
 " objected to it for some time; but the Lord
 " Mayor saying it could not be taken notice
 " of, if not produced, he delivered it to the
 " Lord Mayor, on his promising to deliver it
 " back to him; that he waited till this time,
 " to see the nature of the assault charged on
 " *Whitbam*; and finding that it was for exe-
 " cuting the warrant for taking *Miller* into
 custody,

" custody, he then told the Lord Mayor,
 " that he appeared before him as Deputy
 " Serjeant at Arms of the House of Com-
 " mons ; that he came there by the Speaker's
 " directions, and had his commands to de-
 " mand not only *Whitham* the messenger, but
 " likewise *Miller* his Prisoner ; and he made
 " that demand in the most solemn manner he
 " was able.—That Mr. *Morris*, on this, de-
 " sired he (*Clementson*) might be sworn as an
 " evidence :—But he (*Clementson*) declared he
 " would not be sworn, and said, he did not
 " come as an evidence, but as an officer of the
 " House of Commons, to execute the com-
 " mands given him by the Speaker.—The Lord
 " Mayor said, he could not take notice of
 " any thing in his magisterial capacity, that
 " was not given upon oath.—That he was
 " then asked by *Morris*, if he refused to be
 " examined to any of the facts or circum-
 " stances within his knowledge.—That he
 " doubted at first what answer to give to that ;
 " but, on recollection, he said, if there was
 " the least doubt either of the warrant being
 " signed by the Speaker, or of his (*Clement-
 " son's*) having the Speaker's commands to
 " de-

" demand *Whitbam* the messenger and *Miller*
 " his prisoner, he was ready to be sworn to
 " the truth of those matters ; but would not
 " be sworn generally.—Finding that to be his
 " resolution, Mr. *Morris* declined swearing
 " him as to those matters ; but he (*Clement-*
 " *son*) again repeated, that if there was any
 " doubt as to those matters, he was ready to
 " swear to them.

" That the Lord Mayor asked *Whitbam* if he
 " was a Peace-Officer or a Constable ? he said
 " he was not ;—if he had applied to any City
 " Magistrate to back his warrant ? he said, he
 " had not :—Upon this, the Lord Mayor de-
 " clared, That it was very extraordinary for
 " any Citizen to be taken up in the City of
 " London, without the knowledge or autho-
 " rity of the Lord Mayor, or some other ma-
 " gistrate of the City ; and if this was per-
 " mitted to be the case, it would be trampling
 " on the laws, and there would be an end of
 " the constitution of this country.

" Then *Miller* was examined, as to his be-
 " ing a Liveryman of the City of *London*.—
 " The Lord Mayor said, it was his opinion,
 " that no warrant, but from him or some
 " other

" other magistrate of the city, was good and
 " valid to take up any citizen ; that he thought
 " himself bound, so long as he held the great
 " Office of Chief Magistrate of the City of
 " London, to take notice of a proceeding of
 " this sort ; and that it was his duty to de-
 " fend the Citizens, and their Rights and
 " Liberties, to the last extremity.—He said,
 " he was of opinion, the messenger had no
 " right to take up *Miller*, who was a Citi-
 " zen, not being charged with any Felony,
 " Trespass, or Breach of the Peace.

" That Mr. Morris then took four objec-
 " tions to the warrant :

" First, that the words ["House of Com-
 " mons"] was not a sufficient description of
 " the power which had passed the Vote.—
 " That it should have been, ["The House
 " of Commons in Parliament assembled."]

" Secondly, That ["J. Miller"] was no
 " sufficient description of the Person.

" Thirdly, That the Offence was not in-
 " serted ; and therefore that it was illegal,
 " and without colour of law.

" Fourthly, That it did not appear, that
 " [“Fletcher Norton, Speaker,”] who signed the
 warrant,

" warrant, was the Sir Fletcher Norton, who
" is Speaker of the House of Commons.

" That the Lord Mayor asked *Whitbam*,
" whether he intended to carry *Miller* away as
" his prisoner ? *Whitbam* said, he did.—The
" Lord Mayor then said, he thought the war-
" rant was illegal ; and therefore he discharged
" *Miller* out of the custody of the messenger ;
" and said at the same time, This Citizen
" comes here to claim a citizen's protec-
" tion of me, and I think he is entitled to it.

" That then the Lord Mayor proceeded on
" the assault.—*Miller* proved that *Whitbam* had
" laid hold of his arm and pulled him ; and
" that about five minutes afterwards, the con-
" stable came. After this, Three persons
" were produced to prove the assault :

" Henry Page, of Newgate-Street, Printer.

" John Topping, of the Old-Baily, Printer.

" Robert Page, of Newgate-Street, Printer.

" They proved, That *Whitbam* laid hold of
" *Miller*'s arm, and said, he was his prisoner ;
" and that *Miller* said, he should not go, or did
" not chuse to go. That *Whitbam* said, You must
" go ; and *Miller* said, he should not ; and then
" *Whitbam* charged every body present to assist
" him.

" him. After this, the Constable was brought ;
" and the Constable charged all present to assist
" him.

" That the Lord Mayor, on this, gave it
" as his opinion, that the assault was fully
" proved ; and that *Whitbam* must give securi-
" ty to appear at the next Session for the City
" of *London*, to answer such indictments as
" should be then found against him for the
" assault and false imprisonment, himself in
" Forty Pounds, and Two Securities in
" Twenty Pounds each ; and that *Miller* was
" to be bound to appear and make out the
" charge.—Mr. *Morris* and many others pre-
" sent were ready to be bail for *Whitbam* :
" That *Whitbam* was very much frightened,
" and was ready to offer Bail ; but he (*Gle-
" nnon*) insisted he should not give Bail.—
" The Lord Mayor desired it might be noticed
" that bail was offered ; but not accepted by
" *Whitbam*.

" Then the Lord Mayor directed a warrant
" to be made out ; and the person who had
" these directions he saw fill up what he sup-
" posed was the warrant ; and the Lord Mayor
" declared, it was a warrant for commit-

" ting *Whitham* to the *Compter*.—That he saw
 " the Lord Mayor sign that paper.—On this,
 " Mr. *Morris* desired the other two Aldermen
 " might sign the warrant, as well as his Lord-
 " ship; else it might be supposed, that they
 " did not concur in opinion with his Lord-
 " ship.—The Lord Mayor said, he did not
 " desire any body else to sign it, though the
 " two Aldermen declared themselves ready to
 " do it; and he particularly said to Alderman
 " *Wilkes*, *I think you have enough upon your*
 " *bands already.*—The warrant however was
 " directed to be altered by the Clerk into the
 " plural number; and he saw that paper signed by
 " the other two Aldermen, *Wilkes* and *Oliver*.
 " —That he asked the Lord Mayor, if it was
 " signed by them all; and he said, it was; and
 " directions were given by the Lord Mayor,
 " and Mr. *Wilkes*, to the Constable, that he
 " (*Whitham*) might be used kindly in prison.
 " —That just before they were going to take
 " him away, he thought that, this being a
 " Commitment, he had gone far enough;
 " and then he offered Bail.—That the Lord
 " Mayor grew warm at this, and said, that
 " he found that this proceeding meant to ex-

" *aggravate*

" aggregate the Offence or Business, or the
 " Proceeding ; he could not recollect exactly
 " the word he made use of.

" That, after this was done, he came back
 " immediately to the Speaker ; and upon his
 " relating what had happened, he desired him
 " to go back and try to get a copy of the
 " warrant of Commitment.—The Lord Mayor
 " said, he could not tell where to find it then,
 " every body being gone away ; but that if
 " it was not destroyed, being now of no use,
 " he should have a copy ; but that I knew he
 " had signed it alone first, and that afterwards
 " Alderman *Wilkes* and Alderman *Oliver* de-
 " sired to sign it too ; and that he and Alder-
 " man *Oliver* should, in their places in the
 " House of Commons, admit their having
 " signed such a warrant ; but that he should
 " have a copy of it in the morning if it
 " could be found.—That he applied again on
 " Saturday morning to the Lord Mayor for
 " a copy of the warrant ; he said he could
 " not yet find it ; that some of them had
 " taken it away, and he knew not where it
 " was, but that if it could be found, *Whit-*
 " *ham* should have a copy of it ; that it did

" not signify, for that he did not mean to deny
 " what had been done, or make use of any
 " subterfuge ; and that this was all that he
 " (Clementson) had done.—That he did not
 " go to execute the warrant himself ; and that
 " it was not sealed.

" And he further added this circumstance,
 " that he recollects, when the Lord Mayor
 " had signed the *Mittimus*, and he the Depu-
 " ty Serjeant had offered Bail, the Lord Mayor
 " grew warm, and made use of some expres-
 " sion, that he should not take Bail then, or
 " words to that purpose ; saying that this pro-
 " ceeding meant to exaggerate the offence, or
 " words to that effect ; but he soon afterwards
 " said, he must take bail.

" That he endeavoured to serve the order
 " of the House on J. Whibley ; and went on
 " Thursday the 28th of February, to his
 " (Whibley's) shop, and enquired for him, and
 " the servant said, he was not at home, but
 " would be in an hour's time ; that he call-
 " ed again, and received the same answer ;—
 " that he called again, and was answered by
 " a lad in the shop, who said he was an ap-
 " prentice, that he was not at home, being
 " gone

" gone to the other end of the town ; and
 " that his master had waited all the day
 " before, expecting him.—That he (*Clement-
 son*) then said, that he would call again in
 " an hour, and bid him tell his master.—
 " That he did so ; and was told, he (*Wheble*)
 " had been in, and was gone out again ; but
 " if he would let him know where he (*Cle-
 montson*) might be found, he would wait on
 " him.—That he went to a Coffee-house,
 " and waited ; then called again, and was
 " told, *Wheble* was expected to dinner at
 " three o'clock.—That he called at half
 " an hour past three, and was told that *Wheble*
 " was not at home, but would be soon.—
 " That he called again at four, and five o'clock,
 " and received the same answers.—That he
 " left word he was the Deputy Serjeant at Arms,
 " and would be there again at half an hour
 " past nine in the morning ; which he ac-
 " cordingly was, and was told by the same
 " person, that *Wheble* was not at home, but
 " said, he had delivered the message he had
 " left with him, and that his master said, he
 " was very sorry he was obliged to go out,

" and he left no word when he would be
 " at home.—That he called again at eleven
 " o'clock, and he was not at home ; but was
 " answered, he might be in, in half an hour.
 " —That he went again on *Saturday* at Ten
 " o'clock, and the apprentice said, he was not
 " at home, but would be in the afternoon ;
 " and said it with a smile, as if laughing at my
 " frequent calling ; and said, if he would
 " leave word where he might be found, we
 " will send you word when he is at leisure.—
 " That he (*Clementson*) said, he would be
 " there at seven o'clock, which he accord-
 " ingly was, but was told, he (*Wheble*) was
 " not at home, and had sent for his linen,
 " and therefore was not expected till *Monday*.

" That he did not go to *Thompson* till Fri-
 " day the First of *March*, because there were
 " two *R. Thompsons*, one *Richard*, the other
 " *Robert*.—That he found, at the Stamp-
 " Office, that *Thompson* had been summoned
 " before the Commissioners to give security
 " and said his name was *Robert* :—That he
 " sent a messenger to enquire in the neigh-
 " bourhood, and found there was but one :—
 " That he went to *Thompson's* house, and was
 " told

" told by a man he was not at home, nor could
 " tell when he would be, or whether he was in
 " town ; that he had seen him two or three
 " days before ; that nobody knew more about
 " Thompson than himself, and if he (*Clementson*)
 " would leave a message, he would deliver
 " it :—That *Williams* the messenger then said,
 " You know our business ; to which he made
 " no answer :—That he went again at eleven
 " o'clock ; and the servant said, *Thompson* was
 " not at home ; for he had not seen him, and
 " nobody knew better than he ; and said, that
 " if he (*Clementson*) had business with *Thompson*,
 " it was usually left with him first and
 " that no time was more likely to meet with
 " him than that day or to-morrow.

" That he (*Clementson*) went again on Sa-
 " turday ; and the same person told him *Thompson*
 " was not at home, but would be in half
 " an hour, but had no reason for thinking so :—
 " —That he went twice afterwards, and he
 " was not at home, nor had been, and that
 " he did not know when he would be :—
 " That he (*Clementson*) said, Then he will
 " not see me ; and received for answer, he
 " could not tell."

And he farther said, " That there had been
 " one more attempt since, to execute the
 " warrants on *Wheble* and *Thompson*; that Mr.
 " Speaker had made an alteration in the direc-
 " tion of the warrants, by inserting the name
 " of *Wood* the messenger; that *Wood* took
 " the warrant, and he (*Clementson*) followed
 " after, to endeavour to find *Wheble* and *Thomp-
 son*; that he (*Clementson*) waited at a Cof-
 " fee-house in *Wheble's* neighbourhood; that
 " *Wood* went and endeavoured to find them,
 " but without effect."

Your Committee then proceeded to examine
Charles Williams the messenger; who said,
 " he attended the Serjeant, in endeavouring
 " to serve the warrants on *Wheble* and *Thomp-
 son*, on Thursday the Twenty-eighth day of
 " February: — That he went six or seven
 " times to *Wheble's* house; that he did not
 " find him at home, but was told he would
 " be at home soon.

" That he went to *Thompson's* several times,
 " and received the same sort of answers; that
 " the business they came upon was known at
 " both

" both places ; and that he had read Mr. Clementon's minutes at the time, which he found were right."

The Committee then proceeded to examine Guy Wood the messenger ; who said, " He had the Speaker's warrant, about the Tenth or Eleventh of March, to arrest Thompson and Wheble ; that he received it from the Deputy Serjeant ; that his (Wood's) name was inserted in the warrant ; that he went with one Mr. Lee to Thompson's house ; that Lee went in and enquired for Thompson ; that they had agreed, that, if Lee staid above a minute, he (Wood) was to come in after him ; but Lee not finding him at home, came out immediately,

" That they went from thence to Wheble's, and proceeded in the same manner. Lee went in, and was told Wheble was gone into the country : They then went to the Green Dragon in Fleet-Street, where Wheble's Evening Papers are delivered, and staid some time, to try if they could see him come after his Papers, or about his business, but could

" could see nothing of him : That they have
 " made several enquiries since, and can hear
 " nothing of him."

Your Committee having thus stated the evidence of the Facts and Circumstances relative to the late Obstructions to the Execution of the Orders of this House, as it appeared before them, &c.

VOTES

Votes of May 9, 1777.

A Motion was made, and the Question being proposed, " That an humble Address be presented to His Majesty, to express the just sense this House entertains of His Majesty's regard for the lasting welfare and happiness of His People; and, as this House cannot omit any opportunity of shewing their zeal and regard for His Majesty's honour, and the prosperity of His Family, humbly to beseech His Majesty, that, in consideration of the High rank and dignity of their Royal Highnesses the Dukes of Gloucester and Cumberland, He would be graciously pleased to make some addition to their annual income, out of the Revenues chearfully granted His Majesty, for the expences of the Civil Government, and better supporting the Honour and Dignity of the Crown; and to assure His Majesty that this House will enable his Majesty effectually to perform the same, as nothing will more conduce to the strengthening of His Majesty's government,

"vernment, than honourably supporting the
 "Dignity of the different branches of the
 "Royal Family."

And the previous Question being put,
 "That that Question be now put;"

It passed in the negative.

Mr. Wilkes observed, that the + two honourable gentlemen with the *blushing ribbands*, who opposed the Motion, declared that they did it chiefly from what they thought *a want of delicacy to the Crown*, but that in his opinion the real honour and *delicacy of the Crown* were essentially and deeply wounded by the present unhappy situation of our Sovereign's *own brothers*, which was of the most universal notoriety, and highly to be lamented; that the *elder* had been driven into a kind of honourable

+ Sir John Griffin Griffin, Member for Andover, and Sir George Howard, Member for Stamford, have *both* regiments in his Majesty's service, *both* of cavalry, are *both* Lieut'nants-General, and *both* Knights of the Bath.

Fortunati ambo—
*Ambo animis, ambo insignes præstantib[us] armis.
 Hic pluteo prior,*

VIRGIL.

able exile at Rome, and the younger was not enabled to support the dignity of his high birth and rank among us ; that as to the case of the late Duke of Cumberland, which had been mentioned, although he enjoyed an income of above 40,000*l.* a year, he lived with his royal Father, that great patron of *liberty*, by whom all
the

† So excellent a King, that was to this-----

SHAKESPEARE.

Long his loss shall England weep,
Ne'er again his likeness see ;
Long her strains in sorrow steep,
Strains of immortality.

GRAY.

This humane Prince on many occasions ventured his life in the cause of *liberty*. His distinguished bravery at the battles of Oudenarde and Dettingen was the frequent subject of the unsuspected praise of our inveterate enemies, the French. He was always a ready friend to the liberties of mankind, and like the former princes of his house, and of the *Nassau* line, kept a watchful eye over the House of Bourbon, well knowing their determined enmity to this free government, and their long meditated schemes for grasping at *universal monarchy*. He often checked the restless ambition of France in its mad career, by the most firm, wise, and successful measures. At his death he left England in possession of the capitals of the French in Asia and America, and of many other important conquests there, as well as in Europe and Africa. The most valuable of these conquests were lost soon after by a stroke of his grandson's pen, which proved

more

the expences of his household were defrayed, and that he died unmarried, whereas the present King's Brothers were both married, and had, with very *incompetent* revenues, separate families and establishments, which constituted no part of his Majesty's household arrangements or expences. He added, that we ought not to be prodigal to the Sovereign, and penurious to his Brothers ; that the whole illustrious House of Brunswick claimed our regard and gratitude ; that the wisdom of Parliament

more fatal to England than all the swords of all our enemies.

It is justice to the memory of the late King to declare, that he no less endeavoured to make his people free and happy at home, than to carry the glory of the British arms to the highest pitch every where abroad. During his reign the *laws* were respected and obeyed. *Liberty* and *justice* sat with him on the throne. The execution of *Earl Ferrers* impressed all foreign nations with the greatest idea of the sacredness of our laws, and the protection they afford the meanest subject, under a firm and mild sovereign. It was likewise believed, that if the *Court-Martial* on Lord George Sackville had pronounced the sentence, which was expected by all Europe, the *justice* of his late Majesty would have ordered it to have been carried into execution.

The *pensioned* Doctors, Shellebearn and Johnson, and all the other ministerial writers of the court, have been indefatigable for many years in vilifying the memory of our late Sovereign, and tearing the laurels from

his

liament should carry the House into a view of futurity, and of possible contingencies, to provide in all events for the public safety, good order, and tranquillity; that what the honourable + gentleman, who made the motion, had mentioned with due horror, of our *being obliged to fetch from Rome a sovereign born and educated there*, was not so wild and absurd an idea as it had been represented by other gentlemen; that purple fevers, and various epidemical diseases, had sometimes in a very short period swept away whole families;

his tomb. The first address of the *House of Lords* to the present King, on Nov. 18, 1760, is the best confession of all the volumes of a *legion* of these hirelings.

" The long experience which we had of his royal
 " virtues, the *benignity* of his government, and his
 " *uniform care of our laws and liberties, not interrupt-*
 " *ed in any one instance*, during the course of so many
 " years, demand from us the most grateful acknowl-
 " ledgements; and will make his memory as dear to
 " us as the height and splendor to which he had raised
 " the greatness of their kingdom will render it glo-
 " rious to all posterity."

After the demise of the crown, will there be found *say Lord* prostitute enough, will there be a *Sandwich*, to move such a paragraph in the *first Address* of the *House of Lords* to his present Majesty's Successor?

+ Sir James Lowther, Baronet, Member for Cumberland.

amilies; that towards the beginning of this century several Dauphins of France had died within a few months of each other, and the Bourbon line was believed to be in some danger of being extinct; that the † numerous, immediate posterity of George II. had been reduced to a very small number; that all families might suffer these most cruel losses, but in cases of this great national concern, we could not be too provident, too vigilant for the general safety. Mr. Wilkes farther remarked, that it was impossible to misunderstand this business; that it was, "Will you drive the " King's own Brothers into exile?" or "de- " grade them to the rank of private noble- " men?" or "will you shew your duty to the " King, whose heart glows with all the ten- " derness of true *fraternal* affection, and testi- " fy your regard to the honour of the na- " tion, by making a princely and competent

" provision

.. C.

† Every true friend of the House of Brunswick feels with affliction, how rapidly some of the principal branches of the family have dropped off.

" provision for your Sovereign's *own Brothers*,
 " the two Royal Dukes, the children of Eng-
 " land?" He concluded with expressing a
 pleasing hope, that the vote of every gentle-
 man in the House would be governed by that
 liberality of sentiment, which ought to carac-
 terize the representatives of a great, power-
 ful, and free people.

J
✓
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✓
✓



S P E E C H E S.

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END OF THE SECOND VOLUME.

ERRATA IN THE FIRST VOLUME.

Page 125. in the note, line 1. after "Persian," add "Armenian." Line 2. after "Gentoo, &c, &c," add, "and above all in the Erze." Line 17. after "neither," add, "His Grace's idea of liberty comprehends every thing that is *wild* and *lawless*. The monster is of his own creation, and then he comes in a rage, like the *Saturn* of the heathen mythology, to destroy his own offspring."

Page 131. line 11. of the note, for "A short Account of a late Administration," read "A short Account of a late short Administration."

Page 179. line 12. for "148," read "150."

*

ERRATA IN THE SECOND VOLUME.

Page 7. line 14. for "its beams," read, "its beams?"

Page 34. note, line 13. for "I will die in the last Dyke," read, "I will die on the last Dyke."

Page 63. line 2. for "exquisite," read, "exquisite."

Page 81. note, line 17. for "if precise meaning," read, "if any precise meaning."

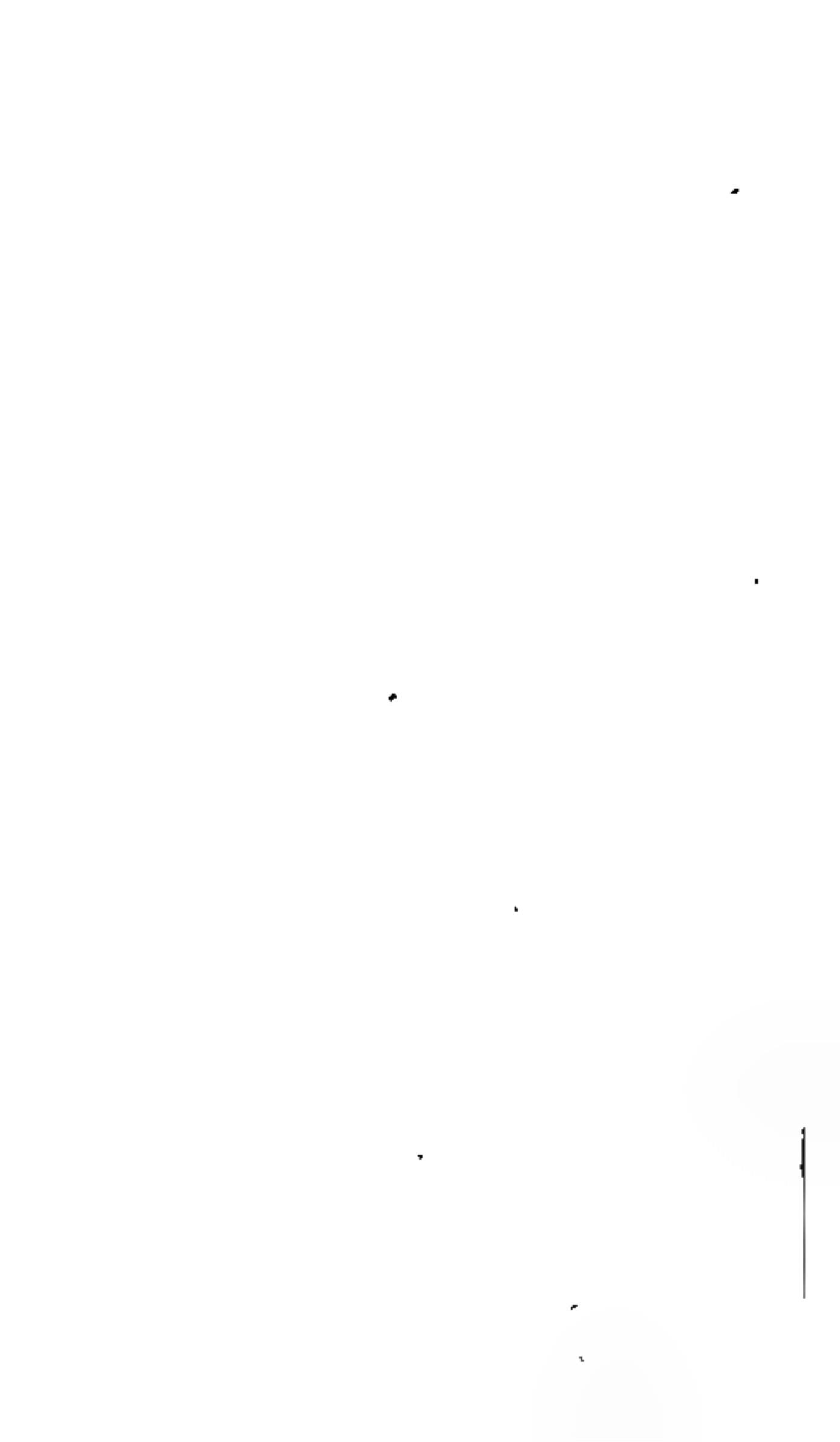
THE
S P E E C H E S
O F
Mr. W I L K E S
IN THE
House of Commons
DURING THE LAST SESSION of
PARLIAMENT.

With Notes by the Editors.

V O L. III.

L O N D O N:

Printed in the Year 1778.



ADVERTISEMENT.

THE Speeches of *Mr. Wilkes* in the House of Commons are here continued to the end of the last Session of Parliament. I have collected them, like the former, from news-papers and *oral tradition*. I think no apology necessary either to the public, or to that gentleman, for the freedom which I have used in the notes with some characters of high rank and dignity. Truth ought to be preferred to every motive and consideration.

Administration appear systematically to treat the House of Commons with contempt. They suffered the Lords in the last Session to have the communication of two important papers, Lord Howe's letter to Lord George Germaine, dated Sept. 20, 1776, and likewise another letter from Lord Howe and his

ADVERTISEMENT.

brother to the same secretary, dated Nov. 30, 1776, both which were refused to the representatives of the people. They have since been given to the public. Mr. Wilkes moved for the *Proofs* of the marriages of the King's brothers, of which the House of Peers were in possession. The motion was received very unfavourably by administration, but as the subject is highly interesting to every Englishman, they are now first printed with great care and fidelity in the *Appendix*.

THE EDITOR.

London, July 14.
1778.

House

House of Commons.

VOTES of Nov. 20, 1777.

Resolved,

" THAT an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious speech from the Throne. To assure his Majesty, that we take a sincere part in the confidence which his Majesty expresses, that the conduct and courage of his officers, and the spirit and intrepidity of his forces, both by sea and land, will, under the divine providence, be attended with important success—That we learn with much satisfaction, that his Majesty is for that purpose pursuing the proper measures, for keeping his land forces complete to their present establishment; and that, whenever his Majesty shall be pleased to communicate to this House any new engagements, which he may have entered

" into for increasing his military force, we
 " will take the same into our consideration;
 " and we trust his Majesty will not be dis-
 " pointed in the gracious sentiments, which
 " he entertains of the zeal and public spirit
 " of his faithful Commons, &c, &c.

The following amendment was moved by Lord Granby, and seconded by Lord John Cavendish, " That this House does most
 " humbly advise and supplicate his Majesty
 " to be pleased to cause the most speedy and
 " effectual measures to be taken, for restoring
 " peace in America, and that no time may
 " be lost in proposing an *immediate cessation of*
 " arms there; in order to the opening of a
 " treaty for the final settlement of the tran-
 " quillity of those invaluable provinces, by
 " a removal of the unhappy causes of this
 " ruinous civil war, and by a just and ade-
 " quate security against the return of the
 " like calamities, in times to come. And
 " this House desire to offer the most dutiful
 " assurances to his Majesty, that they will
 " in due time, chearfully co-operate with
 " the magnanimity and tender goodness of
 " his Majesty, for the preservation of his
 " people, by such explicit and most solemn
 " declarations,

" declarations, and provisions of fundamental
 " and irrevocable laws, as may be judged ne-
 " cessary for ascertaining and fixing for ever,
 " the respective rights of Great Britain and
 " her Colonies."

Mr. Wilkes said,

Mr. Speaker,

By the established doctrine of Parliament, I am authorized to consider the first day of a new Session as peculiarly the day of the Minister, perhaps more peculiarly so than even the important day towards the close of the Session, which is regarded as the day of his triumph, and called his *opening the Budget*. On that day the Minister submits to the House *his* state of the finances of this kingdom, an account of the various sums voted during the Session, the ways and means he proposes of raising the supply, the certain and probable expences of the year, and in general the revenues and resources of the empire. This first day of a Session is still more interesting, and holds forth more important matter to our consideration. The Session is regularly opened by a speech from the Throne, but, although pronounced by

the King, it is parliamentary language always to stile it the speech of the Minister, that in a fair and full discussion of it the sacred name of Majesty may not be made use of to controul or check that freedom of debate, which is the essence, and constitutes the great dignity, of an English House of Commons. *The Minister*, sir, then in the speech gives us a general view of our situation both at home and abroad, the probability of the continuance of war or peace, the state of foreign powers, so far as they are likely to affect this Empire; and in short whatever has a relation to our internal security, or foreign connections with the allies of the crown. But, sir, this is only the Minister's *coup d'oeil* of the kingdom; his declaration of what he thinks the actual situation of publick affairs. It is a kind of ministerial chart, which this House may adopt, or reject, at pleasure, and pursue the same, or a course directly opposite. I thought it necessary, sir, to premise this before I go into the examination of the paper on our table, and I shall not scruple to avail myself of the right I claim as one of the representatives of the people, to treat that production as containing merely a sketch of the Minister's sentiments, as the substance of the political

political creed, which he wishes to be received by the nation.

The speech, sir, in my idea, clearly conveys to this House a firm resolution to continue this unnatural, unjust, and barbarous war to our utter destruction. It breathes a spirit of unrelenting rage, cruelty and carnage, a savage thirst of blood. Yet the torrents of blood already shed, and the prodigious waste of national treasure, have hitherto been followed with no signal or splendid success. In the third year of the war nothing decisive has happened. We are still bleeding at every vein to support this American contest, and I see no probability of a near and final period. We cannot but observe in the declaration of the Minister, *that* perseverance in error, *that* fatal obstinacy in the pursuance of this mischievous plan, which must end in the ruin of our country, and the complete establishment of another potent empire from the fragments of the British monarchy. Scarcely a faint gleam of hope dawns upon us. Ministers seem determined to rush on to *imaginary* conquest, to *certain* irretrievable ruin; for if the war should be continued on the present wild and expensive plan, it will effectually

fectually bankrupt the nation. We are told, sir, in the speech, that the Minister has "a just confidence that the conduct and courage of our officers, and the spirit and intrepidity of our forces, both by sea and land, will be attended with important success." The high *spirit* and *courage* of Englishmen has never been doubted. Would to God, sir, they were at this time exerted in a good cause, in a just and righteous quarrel! But, sir, to this hour we know of no *important success*. We have scarcely a certainty of one favourable event of this year's campaign. Even the Ministers tremble for the condition of General Burgoyne. I will however suppose, that every advantage, which the most sanguine friend of administration has propagated without proof, is at last authenticated, that Philadelphia is taken, and the army under General Washington totally defeated. Let us recollect, sir, what passed after Boston was taken by the British forces. Our general was soon besieged in that capital of New England, ignominiously cooped up there many months with twenty regiments, and at last driven from thence. I know the colouring given to this retreat by the court party among us, and have been nauseated with the cant

terms of our Generals *changing their quarters,* and *shifting their position;* but I know like-wise that their artillery and stores were left behind. All the military men of this country now confess that the retreat of General Howe from Boston was an absolute flight. I believe it was as much so, as that of Mahomet from Mecca. Should Philadelphia be taken, we have indeed one more American town in our possession, if it is not reduced to ashes by us, like several other towns and villages. Shall we be able to * keep Philadelphia longer than we did Boston? Will not experience warrant me to suspect, that before the winter is over, we shall hear of General Howe's being besieged in Philadelphia, and at last retiring from thence with the loss of his heavy cannon, and warlike stores, as he did

* "Pursuant to his Majesty's instructions, I evacuated Philadelphia on the 18th of June, at three o'clock in the morning."

Sir Henry Clinton's letter in the London Gazette Extraordinary of Aug. 24, 1778.

"Lord Cornwallis with the British grenadiers, and two battalions of Hessian grenadiers, took possession of Philadelphia the next morning." [Sept. 6, 1777.] London Gazette Extraordinary of Dec. 2, 1777.

did from Boston? The object of the last year's campaign was the conquest of the two Jerseys. It succeeded. This year our troops have been obliged to evacuate both the Jerseys, which are lately declared to be *out of the King's peace*. I will likewise suppose, sir, that the report of General Washington's defeat is confirmed, and the total dispersion of that army. I remember about a month before the affair of Trenton, the army of General Washington had so entirely melted away, that he had not five hundred men under his command, yet the prospect of success against the German mercenaries there gave him, at a critical moment, a small but spirited army; and the just vengeance of America proved fatal to almost the whole body of Hessians at Trenton. Admitting that General Washington has suffered a severe check, will he not be able to recruit from an immense tract of country devoted to his cause and person? Still, sir, two other Provincial armies, in no small degree formidable, subsist; one in Massachusetts Bay, the other in South Carolina. They have received no check. They may march against the army of General Howe, reduced and weakened by the victories, which he is said to have gained.

To give the strongest force to this reasoning, let me put the case of a general dispersion of the Provincial troops in America, and of the dissolution of the Congress. What conduct can Great Britain then pursue? How will you preserve a country which extends almost from Hudson's Bay to the southern extremity of Florida? Will you garrison all the towns of any consequence through that immense extent of territory? Will your army separate, and go into cantonments? If you do, wherever you are weak, you will be attacked, and your troops probably meet the fate of the Hessians at Trenton. But, sir, this country neither has, nor can, raise, an army adequate to these purposes, and if we could hire all the regimented savages of Germany and Russia, the common destroyers of the human race, we must sink under the expence. The nation would be beggared by the effort. The * noble Lord at the head of our finances would soon find all the pillars of public credit shaken to their foundations, all the fountains of national wealth dried up and exhausted. On such

* Lord North, first Lord of the Treasury, and Chancellor of the Exchequer, member for Banbury.

such terms America is not worth the holding.

I am aware, sir, that it will be said, the Americans will, in case of general success on your part, give up the contest, and submit to the terms you prescribe. The late experience of General Burgoyne is the fullest answer to this objection. He tells us, that the very Provincials, who were most forward to *profess themselves loyalists, and to take the oath of allegiance,* and submit to Lieutenant Colonel Baum, were *the first to fire upon him ; that he was attacked on all sides, that he shewed great personal courage, but was overpowered by numbers.* In short, sir, there was a total destruction of that detachment. Mr. Burgoyne highly blames a Provincial gentleman for being so *incautious as to leave at liberty such as took the oath of allegiance,* as if it were a better mode of persuading the others, to *confine their countrymen the moment you consent to admit them to swear allegiance.* Men are not converted, sir, by the force of the bayonet at the breast, nor by imprisonment. It is employing the violence of the highwayman. He takes your purse indeed, but you recover it from him the instant you become stronger than the robber.

ber. Nor is this to be considered as treachery. It was a compact, not originating from free will, or mutual consent, but founded merely in force, and dissolved in the same manner. But I believe the Americans are neither to be cozened, nor by violence deprived of either liberty or property. I therefore recur, sir, to the wise *amendment* to the Address, which the excellent * Lord has moved, to supplicate his Majesty, *that no time may be left in proposing an immediate cessation of arms*, as the only means of beginning a treaty, and effecting a *reconciliation* with our American brethren. The hostile measures echoed to the throne in the ministerial address will be ineffectual, and only serve to strengthen the *independence* of the Colonies, and give additional vigour to their resistance. We cannot succeed by force, nor in this commercial country is the object worth our while, were it possible. Let us carry these plain and certain facts to the foot of the throne, and let Parliament hold likewise to the nation the language

* The Marquis of Granby, Member for the University of Cambridge.

language of truth, a language very different from what we have hitherto heard from Ministers.

The nation, sir, has been duped for several years by a succession of ministerial falsehoods. When the Boston Port Bill passed, the Minister declared that we should soon have America *at our feet*, for the rest of the Massachuset's Bay would desert Boston. The other provinces, he assured us, would, from a rooted jealousy, rejoice at her humiliation, and enjoy the prospect of dividing her trade. When the whole province became like one man, it was said the southern Colonies however disapproved the conduct of New-England. After both the southern and northern colonies united, and made a common cause, we were told that means were found to prevent the meeting of the Congress. General Gage publickly declared, that he would be *in the midst of them*. He chose however not then to *change his position*. The Congress met *without him*, and in a perfect spirit of unanimity, for their wranglings were never heard but by the gentlemen on our treasury bench, and the Majority of

this House. The *non-importation* and *non-exportation* agreements were likewise declared impossible to subsist in a nest of known smugglers, yet time has shewn how strictly they have been preserved. It was likewise most confidently averred, that the *cowardly* Americans dare not assemble in arms, and that *two* regiments were sufficient to march through, and subdue, the rebellious colonies. This however must be acknowledged to be prior to the siege of General Howe, and the *twenty* regiments, in Boston. I will not, sir, tire the House with recapitulating the regular succession of court tales and fictions. They have long been the amusement of mankind, both at home and abroad. Even at the present period ministers give out, and affect to believe, that thirteen powerful colonies can be conquered, after having for three years baffled all the efforts of this country both by sea and land, trained and disciplined their people, settled to the satisfaction of the inhabitants their respective governments, raised large armies to serve during the war, provided for their pay, and collected im-

mense stores of artillery, arms, and ammunition, seconded by the zeal of all America, and more than the good will and applause of all Europe—except the court faction among us. But, sir, although America cannot be conquered, it may perhaps be regained by the tried arts of lenity and justice, by temper and moderation. The sword must first be sheathed, according to the proposed amendment of the noble Lord, and then we may talk of *peace* on fair and solid terms, on terms of equality as brethren, as heirs of the same free constitution. I indulge the hope that things are not yet quite desperate. I am sure *peace* will be the greatest blessing to both countries. It is perhaps even more necessary for us than for them. The infant American state seems already to possess the strength and vigour of the *infant Hercules*, ready to be exerted in a similar manner, in subduing the monsters of tyranny, cruelty, and violence. Our exhausted state is well known to our enemies, who triumph in our fatal distractions, and are preparing to avail themselves of our sinking condition, Sir, I must again

again and again repeat, that in my humble sentiment a reconciliation with America is necessary for the salvation of this country. I mean a firm, lasting agreement with the Colonies on terms of a just equality as to rights and privileges. Any other agreement would not be permanent: that alone would save us from the impending ruin. The answer of the *Principes* to the *Romans* should govern us, *si bonam pacem, et fidam, et perpetuam—si malam, hanc diuturnam.* The reception such an answer met with was worthy of the Roman people. Livy * says, *par melior senatus ad meliora responsum trahere et dicere, VIRI ET LIBERI vocem auditam.*

The speech, sir, seems to flatter us with a promise of attention to this great object, the restoration of peace to our distracted and dismembered empire. It says, " I shall ever be watchful for an opportunity of putting a stop to the effusion of the blood of my subjects, and the calamities, which are inseparable from a state of war." The Mi-

nisters, sir, rejected with indignity one happy opportunity of putting a stop to the effusion of blood, when even after the battles of Lexington, Concord, and Bunker's Hill, the Congress humbly supplicated his Majesty, to direct some mode, by which the united applications of his faithful colonists to the throne may be improved into a happy and permanent reconciliation. To the mad insult of the American Secretary, Lord Dartmouth, in September 1775, when he told the agents of the Colonies, in the King's name, that no answer would be given, all the subsequent calamities of this civil war are to be attributed, and perhaps the loss of half our empire. Many calamities, sir, are undoubtedly inseparable from a state of war, yet the present war against our brethren in America has been attended with peculiar circumstances of cruelty, which fill the mind with horror, with calamities, which are not inseparable from a state of war. Are the scalping-knife and tomahawk necessary calamities of war? Are they inseparable from it? God forbid! I have read, sir, a late proclamation of that great

General and preacher, Mr. Burgoyne, which is shocking to a civilized and generous nation. As a state-paper it disgraces our country. The Imperial Court have often employed many kinds of irregular troops, Croats, Pandours, and Huffars, but their names disgrace no public act. If they plunder, they do not torture. The pious preacher, Mr. Burgoyne, complains of *this froward and stubborn generation*, and at the very moment of mentioning his *consciousness of Christianity*, displays a spirit of cruelty, which is repugnant to every principle of humanity. He boasts that *he will give stretch to the Indian forces under his direction, and they amount to thousands.* Merciful heaven ! Thousands of Indian savages let loose by the command of a British General, against our brethren in America ! Human nature shrinks back from such a scene. *At his heels, least in, like bounds, should famine, sword, and fire, crouch for employment* *. Mr. Burgoyne's feelings as a man, I fear will not hereafter be as universally

fully acknowledged as the military talents of the great General. In the present case I have that pity for him, and his employers, which they have not shewn to others. What, sir, has been, and still continues, the conduct of *Indian savages* in war? Is it not to exercise the most shocking cruelties on their enemies, without distinction of age or sex? The conduct of this war goes on a par with its principle. Has the feeble old man, the helpless infant, the defenceless female, ever experienced the tender mercies of an *Indian savage*? He drinks the blood of his enemy, and his favourite repast is human flesh! Is a stretch given to thousands of these cannibals by the command, in a public manifesto, of one of the King's Generals? I am bold, sir, to declare that such orders are unworthy the General of any Christian King. They are only becoming a Jewish priest to a Jewish King, in the most bloody and barbarous of all histories, the history of the Jewish nation. The orders of the Jewish priest were, *now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man*

man and woman, infant and suckling, ox and sheep, camel and ass. * General Burgoyne threatens the Americans with all the vengeance of the state, not its justice, that the messengers of wrath will meet them in the field, *devastation, famine, and every concomitant horror.* Not the sword of even-handed justice, falling only on the guilty heads of the bold rebels, but the savage tortures of a tomahawk from the thousands of Indians *under his direction,* on the innocent women and children. I remember, sir, an honourable † gentleman, whom I see in his place, a gentleman very high in the law, not only humanely proposing, according to the ideas, and in the language of his country, but dwelling with rapture on what he classically called a *starvation bill* for the poor Americans. I rely however, sir, on the spirit and prowess of the *Americans*, that they will neither suffer the fate of the *Amalekites*, nor retaliate the attempt on the savages of Europe.

* *1 Samuel, chap. xv. v. 3.*

† Henry Dundas, Esq; Lord Advocate for Scotland, member for Edinburghshire.

This year, sir, we have again in the speech repeated assurances from foreign powers of their *pacific dispositions*. The noble * Lord, who moved the Address, thinks *France will not change*, and the honourable † gentleman, who seconded the motion, assures the House of the *perfect amity* of the neighbouring powers. Can any *change*, sir, be equally advantageous to *France* as a perseverance in the present system? America now pours all her wealth into the lap of the House of Bourbon, and she sees her ancient enemy daily perishing by a fatal civil war. Even the Minister seems to awake from his long lethargy; for the speech says, “at this time, when the armaments in the ports of France and Spain continue, it is thought adviseable to make a considerable augmentation to our naval force.” Parliament ought to have been informed of the whole truth with respect to the treachery of *France*. I am sure, sir, I shall not be contradicted, when I affirm that

France,

* Lord Hyde, member for Christchurch.

† Sir Gilbert Elliot, Baronet, member for Roxburghshire.

France, the government of France, not covertly, nor underhand, not secretly by merchants only, but directly and openly as a government, assist the Americans. The two Congress ships of war, which had the engagement with the *Druid*, are now refitting at L'Orient, on the coast of Britainy, and furnished with every necessary from the French King's stores at that place. The fact is well known to the Minister, and tamely submitted to ; but this open insult on the nation is endeavoured to be carefully concealed.

The old ally of this nation, *Portugal*, is not honoured with the slightest mention in the speech. I will give the House the reason. Portugal is not only lost to us, but is become an acquisition to the House of Bourbon, by acceding to the * *Family Compact*. By that treaty, sir, which was published in the French *Gazette*, all the subjects of the

House

* The *Family Compact* is a Treaty of the most alarming nature to all Europe. An abstract of it is given in the "Journal Historique ou Fautes du Règne

House of Bourbon were to be equally favoured with the natives of each respective state as
to

" de Louis XV." printed at Paris in 2 vol. 8vo. in
1766, with the French King's privilege.

" 15 Aout, 1761.

" Le Roi et le roi d'Espagne concluent un traité ou
" *paix de famille*, tant pour eux que pour le *roi des*
" *deux Siciles*, et l'*infant Duc de Parme*, contenant
" 28 articles, par lesquels ils établissent entre eux une
" alliance perpétuelle, convenant de regarder à l'aven-
" *mir comme ennemie toute puissance ennemie de l'un*
" *d'eux*, et se garantissant réciproquement leurs états
" dans quelques parties du monde qu'ils soient situés,
" suivant l'état où ils se trouveront en paix avec les
" autres puissances ; s'obligant de se fournir les se-
" *ouvrages nécessaires*, de faire la guerre conjointement,
" et de ne point faire de paix séparée l'un de l'autre.
" Ce traité porte encore suppression du droit d'aubaine
" en France, en faveur des sujets des rois d'Espagne
" et de Sicile ; et convention expresse que les sujets
" des trois couronnes jouiront, dans leurs états séci-
" proques, des même droits, priviléges et exemptions
" que les nationaux par rapport à la navigation et
" au commerce, sans que les autres puissances de
" l'Europe puissent être admises à cette alliance de
" *famille, ni prétendre, pour leurs sujets, le même traî-*
" *tement dans les états des trois couronnes.*

" Les ratifications de ce traité furent échangées le
" 3 Septembre."

to every privilege of navigation and commerce. Such a treaty, sir, directly militates against all our former treaties, of Utrecht, Aix-la-Chapelle; and others, particularly those with Spain.* It will be a fatal blow to the commercial interests of this kingdom, whenever it is carried into execution by the whole House of Bourbon.

An universal gloom, sir, seems to be spreading over our political hemisphere, yet we are called upon by Ministers to address the throne in such terms, as if we were only suffering a slight and transient misfortune, not groaning

* The 9th article of the treaty of peace between Great Britain and Spain, concluded at Utrecht the 13th of July, 1713, is in these words.

IX. It is further agreed and concluded, as a general rule, that all and singular the subjects of each Kingdom shall, in all countries and places, on both sides, have and enjoy the same privileges, liberties, and immunities, as to all duties, impositions, or customs whatsoever, relating to persons, goods and merchandizes, ships, freights, seamen, navigation, and commerce; and shall have the like favour in all things as the subjects of France, or any other foreign nation, the most favoured, have, possess, and enjoy, or at any time hereafter may have, possess, or enjoy.

groaning under the load of exorbitant and enormous taxes, and on the brink of ruin. Since the late augmentation of the Civil List we seem to be wonderfully improved in *chirping addresses*. This is not however a *piping time of peace*. Compliments during the calamity of a wide extended civil war, brought on by ministerial oppression, are absurd. The prospect from America is covered with clouds and darkness. A pleasing ray of light seems at the present moment to beam upon us from the noble Lord's proposition for an *immediate cessation of arms*. If that is rejected, I fear the nation will be sunk in despair. That proposition I consider as the first, most necessary step to a reconciliation. After a *cessation of arms*, I hope our fleets and armies will be withdrawn, all the late unjust acts repealed, and the charters restored. Let us treat with the liberal spirit of freemen and Englishmen. *Unconditional submission* is *unconstitutional submission*, and becomes only the slaves of an arbitrary monarch. Force against the vast American continent we have found avails us nothing. All coercion appears to be

be impossible. The attempts of violence have been followed with deep distress, disgrace, shame, and disappointment. Let us therefore at last hear, and obey, the voice of reason, which calls aloud to us to save ourselves and our brethren. The times teem with events, which must determine the fate of this once great and powerful empire. Let us be guided by the principles of lenity and justice, that the blessings of peace and union may be restored, and permanently remain, to the whole empire.

VOTES of Dec. 10, 1777.

The House was moved, That an Act, made in the 6th year of the reign of his present Majesty, intituled, " An Act for the better securing the dependency of his Majesty's dominions in *America*, upon the Crown and Parliament of Great Britain," might be read.

And the same being read accordingly;

A motion was made, and the question being proposed, that leave be given to bring in a bill, to repeal the said Act,

And

And the previous question being put, that
that question be now put,

It passed in the negative.

Mr. Wilkes said,

Mr. Speaker,

I chose from motives of policy to delay the motion, which I mean now to submit to the House, till the establishments both of the navy and army for the ensuing year were completed. After such prodigious preparations for war, after every single article, which the Ministers have asked, has been granted, and we are armed at every point for the vigorous prosecution of hostilities, we may with more appearance of dignity hold out propositions for peace. This House, sir, has voted 60,000 seamen, including near 12,000 marines, above 20,000 effective landmen, commission and non-commission officers included, for guards, garrisons, and the forces to be kept up in Great Britain, Jersey and Guernsey. We have besides in our pay five battalions of Hanoverians, actually in garrison, to the et-

nal reproach of England, at Gibraltar and Minorca ; the various troops of Hesse Cassel, Hanau, Waldeck, Brandebourg - Anspach, and Anhalt - Zerbst, amounting to above 69,000 of those mercenaries : in all a land army of more than 89,000 men. This House has not yet been assembled three weeks, and we have already voted away of the people's money no less a sum than 8,643,004 l. I believe this is only the sixteenth day since the opening of the Session. Every day of the present Session has therefore on an average, cost the people above 500,000 l. What a relief to their fears, sir, will be the adjournment, which Ministers have just mentioned, of near six weeks ? How much it will augment the festivity of the season ? Yet I fear, sir, it will prove only a temporary relief, and that Ministers retreat for a short time to return with redoubled force and fury, to lay fresh burdens and additional impositions on this exhausted nation.

Amidst all these amazing preparations for war, scarcely a thought or a sigh for peace,

seems

seems to obtrude upon, or escape, any one of our Ministers. What single step has been taken by administration to put an end to this ruinous war, and to prevent the farther effusion of human blood ? A noble * Lord on this side the House, who is the worthy heir of the patriotic virtues of an illustrious father, proposed on the first day of this Session an *immediate cessation of arms*; but the proposition was rejected by a great majority. Scarcely a hint of a wish for peace has been made by any member of administration. I will not however, sir, be dispirited. Some late events, unknown to the House at that time, may induce the most violent to listen to those healing measures, which in the insolence of our imagined triumphs, we rejected with disdain. The preliminary of peace, which I shall take the liberty of submitting to the House, strikes at the root of the evil, the confessed cause and origin of the American war. I mean, sir, the right of *taxation*, which is enacted in the *Declaratory Act*, the
 repeal

* The Marquis of Granby, member for the University of Cambridge.

repeal of which I shall presently move. I believe, sir, according to the forms of the House, I must first desire the clerk to read that act. It is the sixth of the King, chapter the twelfth.

[The Clerk reads.]

To make laws to bind the Colonies and people of America in all cases whatsoever! I believe, sir, this is the shortest compendium of slavery ever given. It is the broadest basis of tyranny. *In all cases whatsoever!* therefore in taxation. Three millions of freemen to be taxed at the arbitrary will and pleasure of this House, without a single person to represent them, or to control the expenditure of their money. If the Americans could tamely submit to this, they would deserve to be slaves. They ought to be more contemned than the Cappadocians of infamous memory, who refused the liberty, which was offered them by the Romans. If we can take a part of their property without their consent, we can take the whole. It is impossible to

drew the line. This House might vote away the whole property of America without the consent of one man on that vast continent. The very supposition is not only repugnant to every idea of the common rights of mankind, but *it is against the franchises of the land for freeborn to be taxed but by their consent in parliament*, as Lord Coke declares. We know by the law of England, that the protestant subjects of our Colonies in America are intitled to all the liberties, privileges, and immunities of the natural born subjects of this kingdom. The next step to *taxation* naturally follows. Ministers might apply an American revenue to the advancement of their own profligate plans, perhaps to the same base purposes as the taxes levied among us, to the augmentation of an enormous civil list, to increase the overgrown influence of the Crown, and corrupt the representatives of the people. Even without any *taxation* we have experienced that the whole produce of American industry centered in Great Britain. I do not intend, sir, to go into a disquisition

Esquisition of the stale question of ~~taxation~~
and representation, nor the wretched nonsense
of a *virtual representation* here of three mil-
lions of subjects on the other side the Atlan-
tic. I remember once before to have fully
argued those questions. I shall now confine
myself to the repeal of the *Declaratory Act*,
and the other acts injurious to the freedom of
America. Without this repeal we cannot, I
am satisfied, have *peace*, nor I believe would
the Americans treat with you on any other
terms. They proceeded at the beginning
with wonderful temper and coolness; but at
last they summed up all their injuries as com-
prised in the *Declaratory Act*, which they re-
probated with spirit. While this act remains
in the Statute Book, you never can think of
any negociation with the Congress. The
first Congress, which met in 1774, acted
with prudence and calm dignity, with mo-
deration and magnanimity. They did not di-
rectly attack the *Declaratory Act*. They knew
it had passed in an administration composed
of men, who had declared themselves friends

to American freedom, and had actually repealed the “Stamp Act.” They considered it as a *brutum fulmen* on the part of this country. They in dutiful terms solicited the repeal of the “Boston Port Bill,” the “Massachusetts Charter Bill,” and that monster of despotism and popery, the “Quebec Act,” but they passed over in silence the “Declaratory Act.” Yet, sir, although no express mention was made of that act, they put in the strongest protest against the claim, or exercise, of any such powers in their very *first* resolution. It is of Oct. 14, 1774. “The inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights. *Resolved*, nemine contradicente, that they are intituled to life, liberty, and property, and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.”

In the year following the second Congress finding all their endeavours here for a redress

of their grievances ineffectual, thought it necessary to hold out a kind of *ultimatum* to this country, and to speak the plain, full, manly language of injured freemen. In a "Declaration by the representatives of the "United Colonies of North America, now met in *Congress* at Philadelphia, setting forth the causes and necessity of their taking up arms," July 6, 1775, it is said, "we for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with Parliament, in the most mild and decent language. Parliament have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property, &c. &c. &c. But why should we enumerate our injuries in detail? By one Statute it is declared, that *Parliament can of right make laws to bind us in all cases whatsoever.* What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us, or is subject to our control or

"influence; but on the contrary, they are all
 "of them exempt from the operation of such
 "laws, and an American revenue, if not di-
 "verted from the ostensible purposes for
 "which it is raised, would actually lighten
 "their own burdens in proportion as they
 "increase ours." This one Statute, the *De-
 claratory Act*, is the fountain, from which not
 only waters of bitterness, but rivers of blood,
 have flowed.

I ought, sir, in justice to the *Congress* to
 take notice, that even after this they presented
 a most humble and dutiful petition to the
 King. From the ill-judged reply of the Ameriean Secretary, that no answer would be
 given, I suppose every idea of obtaining a redress of their numerous grievances vanished.
 Yet in this very *Declaration* they say, "we
 "shall lay down our arms, when hostilities
 "shall cease on the part of the aggressors, and
 "all danger of their being renewed shall be
 "removed, and not before." I will venture,
 sir, to do this much injured body of men
 justice on another subject against the false
 and

and malevolent assertions of the noble * Lord at the head of the American department. His Lordship declared to us in the most explicit terms, "that the *Congress* had intended to engage the Indian savages in their service, and would have employed them in the war." It is well known in what manner they must always be employed, not in the use of the sword and bayonet, of which they are ignorant, but of the scalping knife, and tomahawk, in which they are expert. The *Congress*, sir, in the true heroic spirit of *bravery*, which *mercy* always accompanies, reprobated the idea of torture and cruelty. They determined on fair, honourable war, unstained by murder or massacre. I will convict his Lordship on the fullest evidence of the grossest imposition on this House, and of a violation of truth. "The *Journal of the Congress*, sir, both that of 1774 and 1775, has been as regularly published to the world, as the *Votes of the House of Commons*

* Lord George Germaine, member for East Grinstead.

mons are by you, Mr. Speaker. In that *Journal* of June 30, 1775, I find the following words, "Resolved, that the Committee for
 " Indian affairs do prepare proper talks to
 " the several tribes of Indians, for engaging
 " the continuance of their friendship to us,
 " and *neutrality* in our present unhappy dif-
 " pute with Great Britain." This was, fitly
 after the provocations of the repeated slaugh-
 ter of their friends at Lexington, Concord,
 and Bunker's Hill. But, sir, although the
 Congress refused to ask the barbarous aid of
 the savages, the King's general most readily
 and with eagerness employed them. He
 boasts of it in his *Proclamation* of last June.
 No man, sir, who has read that *Proclamation*,
 and Major General Gates's letter, will shed the
 tear of pity over the misfortunes of Mr. Bur-
 goyne. Major General Gates says in his letter
 of Aug. 28, to Mr. President Hancock, "the
 " horrid murders and scalpings paid for and en-
 " couraged by Lieutenant General Burgoynes,
 " previous to his defeat at Bennington, will
 " see

“for ever stain the honour of the British
arms. In one house the parents with six
children were most cruelly butchered.” Is
this, sir, the mercy of the King, which General
Burgoyne in his Proclamation says, *his Ma-
jesty's numerous armies and fleets in every quar-
ter of America were to display as well as his
power and justice?* He succeeded to irritate,
not to intimidate, his enemies. But, sir,
although I do not feel the least spark of com-
passion for the fate of Mr. Burgoyne, I truly
commiserate the situation of the troops with
him. I regret the loss of the brave soldiers,
who perished in the action, and I pity those
who survive. I am sorry that 800 valiant
English and Germans were killed in a bad
cause, in fighting against the best constitu-
tion on earth. Sir, it was inscribed on the
tombs of the 300 Spartans, who at Thermos-
~~pyle~~^{psylæ} devoted themselves to a glorious death
for the liberties of Greece, *Passenger, go tell
at Sparta, that we died for having obeyed her holy
laws.* It ought to be engraven on the tombs
of the 800, who fell in the late action, *Pass-
enger,*

finger, go tell in England, that we died for having violated her body constitution ; for such is my opinion, is the case of every man, who has in this civil war drawn his sword against our brethren in America, and perished in the conflict. The situation, sir, of those who survive, is to be commiserated, not so much for the calamities, which they have suffered, calamities brought on by themselves, as for the loss of honour, which, if we are rightly informed, has accompanied the circumstances of their defeat and surrender. The terms of the *Capitulation* for General Burgoyne, and the veteran troops under his command, are stated to be, delivering up their arms, being permitted without molestation to embark for Europe, and not serving against the Americans during the war. They have then put themselves *hors de combat*. They have agreed no more to face those cowardly Americans. They consent not to measure swords again with their conquerors during the war ; not to make a single effort to recover their lost laurels. If they had

surrendered prisoners of war, they might have been exchanged, and the fortune of war crowned them with future victories. That chance they have given up as well as their arms. We have now scarcely a company of foot *in arms* in all the northern Colonies, except Canada. The English at the battles of Preston-Pans and Falkirk suffered two most ignominious defeats. There was however no capitulation that the vanquished troops should not serve against the same enemies during the remainder of the war. At Culloden they washed away the foul stain of that national disgrace in the blood of those perfidious Scots, rebels against a mild prince, and an equal system of laws. It is, sir, very remarkable, that the same men, who stiled at that time the Scottish rebels *insurgents* now call the American *insurgents* by the name of *rebels*. I will never, sir, adopt the appellation. I think the Americans are fighting in a good cause for the defence of their just privileges, and chartered, as well as innate, rights. I am sure the proudest and most de-

spotic

spotic court in Europe, that of Vienna, would not have treated their subjects in the manner this court has treated the Americans, I mean as *rebels*. When the present Empress Queen, then only Queen of Hungary, succeeded her father, the Emperor Charles VI. in 1740, she secured the affections of her Hungarian subjects by readily taking the old oath of the Sovereign of that country, established in 1222. The greatest * genius in Europe gives it us at full length. *If I, or any of my successors, at any time, should attempt to infringe your PRIVILEGES, you, and your posterity, are permitted, by virtue of this promise,*

* Voltaire says, *Marie-Thérèse, épouse du Grand-Duc de Toscane François de Lorraine, gagna surtout l'esprit des Hongrois en se soumettant à prêter l'ancien serment du roi André II. fait l'an 1222. Si moi ou quelques uns de mes successeurs, en quelque tems que ce soit, rent enfraindre vos priviléges, qu'il vous soit permis en vertu de cette promesse, à vous et à vos descendants, de vous defendre, sans pouvoir être traités de rebelles.*

In the margin he adds these words, *serment singulier et qui ne devait pas l'être.* Voltaire. Siècle de Louis XIV. Tom. iii. p. 429.

right, to defend yourselves, without being liable to be treated as REBELS. If the ancestors of the present Empress Queen had been as wise, the House of Austria would not have lost Switzerland, as they did by injustice and oppression. The Americans, sir, I think, are now defending the *privileges* of every subject of the British empire, as well as their own. If this country did justice to the same spirit of freedom in them, which we applaud in our ancestors, we should admire their heroism, and be eager to repeal all those acts, which are undoubted badges of slavery, particularly the *Declaratory Act*, which I shall always consider as an invasion of the people's rights. Till we do that, we can have no rational hope of any reconciliation. The desperate situation of our affairs from the variety of circumstances, which have been stated, and the late *capitulation* of a whole army, prove the absolute necessity of terminating this bloody civil war, this general savage Indian massacre.

The *Declaratory Act*, which we had no right to pass, will never be submitted to by the

the freemen on the other side the Atlantic,
 The spirit of it is hostile in the extreme to
 liberty. To bind the subject in all cases whatsoever
 ever! It is a charter of slavery. I deny the
 principle of this act as much at home as in
 America. We ridiculously of late bewilder
 ourselves with frantic, high-flown, sonorous
 expressions of the *omnipotence of Parliament*.
 The gentlest natures appear too fond of pow-
 er, although they do not abuse it. There
 are many things, which Parliament cannot
 do, many *cases*, in which it has no power.
 We cannot vote ourselves perpetual. We
 cannot fill up our vacancies, as the late
 House of Commons indeed did in the case of
 the Middlesex election, but all good men ab-
 horred the usurpation, and the nation were
 almost unanimous in their remonstrances
 against it. We are merely a delegated pow-
 er from the people, and in that capacity only
 a third part of the legislature. We cannot
 therefore surrender their share of power, by
 whose favour alone we acquire the right of
 giving any vote in this House. It would be
 treachery, and even *rebellion*, in the servant
 against

against the master. Can we, sir, repeal *Magna Charta*? Has this House the power to establish the *Mahometan* religion? Government is only a trust from the people for their good, and in several instances so far from possessing an absolute power, we ought to acknowledge, that we have no power at all. I will never admit arbitrary power to be lodged in any man, or body of men. Many things are so closely woven in with the constitution, like the trial by jury, that they cannot be separated, unless the body of the people expressly declare otherwise, after free and full consideration. There are fundamental, inalienable rights, land-marks of the constitution, which cannot be removed. The *omnipotence of Parliament* therefore, which is contended for, seems to me a false and dangerous doctrine.

I have great reverence, sir, for the memory of that whig administration, which passed the *Declaratory Act*. I speak as a public man. I honour them for their spirited resolutions against *general warrants*, and the *seizure of papers*,

papers, by which the personal liberty of the subject, and the most important secrets of life, were rendered sacred and inviolable. I highly applaud the turning the exciseman out of private houses by the repeal of the *Cider-Tax*. The negociation for the Manilla ransom, which so deeply interested many of our bravest men in the navy and army, revived under their auspices, but alas ! after many faint and feeble efforts it languished and expired. Many excellent regulations of trade and commerce were made by them. But, sir, I should have thought all their glories fulfilled by the passing of this *Declaratory Act*, which pretends to establish a claim of unlimited authority over the Colonies, if I did not believe it was a kind of force on that administration, a sort of compromise with the traitors at home for the repeal of the *Stamp-Act*, which had thrown the whole empire into convulsions. The *Stamp-Act* ought in my idea to have been repealed on the first, great principles of justice, not on the narrow ground of political expediency, or from any commercial

commercial motives. I was abroad at the time, and may have been misinformed; but if I am not, the repeal was absolutely necessary to lay the storm, which raged with the greatest fury, both here among the merchants, and in North America, after the passing of the Stamp Act. The repeal was warmly opposed by * some of the royal family, and the favourite in the House of Lords, by his family and friends in both Houses, by the whole cabinet, the Lords of the Bed-chamber, and almost all the King's and Queen's households. Perhaps the repeal had not been carried, but by the compromise of this *Declaration*.

VOL. III.

D

. . . tory

* The Duke of York, the Earl of Bute, Lord Mount Stuart, Right Hon. James Stuart Mackenzie, Earl Talbot, Lord Steward of his Majesty's Household, Duke of Ancaster, Master of the Horse to the Queen, Earls of Oxford, Denbigh, Buckinghamshire, Oxford, Coventry, Eglington, and Lord Robert Bertie, Lords of the Bedchamber to the King, Earl Harcourt, Lord Chamberlain to the Queen, W'm Blackstone, Esq; Solicitor General to the Queen, Right Honourable Gilbert Elliot, Treasurer of the King's Chamber, Thomas Gilbert, Esq; Comptroller of the King's Wardrobe, David Grame, Esq; Secretary to the

Rioty Act. I am satisfied, that the administration, which passed *that Act*, never intended to inforce it, at least by taxation. The new ministry however in the succeeding year built on this solid foundation of a right to taxation, which they saw was established for them. They laid duties on tea, glass, red and white lead, painters' colours, and other things. The right had been ascertained by their predecessors. The only objections, which could now be made, were the inexpediency and impolicy of the exercise in those instances, and at that period. If I had been in England, sir, at that time, and in parliament, I should strenuously have opposed the principle

the Queen, Charles Jenkinson, Esq; Auditor of Accoumts to the Princess Dowager of Wales, John Manners, Esq; Housekeeper at Whitehall, Samuel Martin, Esq; Treasurer to the Princess Dowager of Wales, Honourable Archibald Montgomery, Esq; Equerry to the Queen, John Mostyn, Esq; Edmund Nugent, Esq; and Henry Seymour, Esq; Grooms of the Bedchamber to the King, Honourable Henry St. John, Groom of the Bedchamber to the Duke of York, Henry Wauchope, Esq; Deputy Privy Purse to his Majesty, General Burgoyne, Lord Barrington, &c. &c. &c. voted against the Repeal of the Stamp Act.

principle of the *Declaratory Act*, but I was forced into a cruel exile and outlawry by the wickedness and injustice of one administration, and kept abroad by the tameness and timidity of another. I was persecuted with extreme rage and violence by a set of men, who thought themselves injured, and abandoned by those I had essentially served, who before encouraged me, and approved my conduct. I was made their *scape-goat*, doomed to bear into the wilderness the sins and iniquities of a great political party, when in opposition. Surely, sir, their sins and iniquities must have been of a deep dye, and remain still unexpiated, for *ipse aries etiam nunc vellera siccatur*. I would, sir, in this important business of the *repeal* of the *Declaratory Act*, persuade myself that there is not an obstinacy of opinion, a tenaciousness of adhering to what we have once done, merely because we have done it. It seems very clear, that we can have no peace, till *the accursed thing is removed from our camp*. From that happy moment I should hope the rude clamours of war would cease, and the gentle voice of

gence be heard. I trust therefore in this time of general conformation, in this day of distress and disgrace to our country, that there will be a perfect union of sentiment among us, an universal concurrence in this first preliminary of peace.

I have only mentioned, sir, the repeal of the *Declaratory Act*, but I mean afterwards to submit to the House another motion for the repeal of the whole system of new statutes and regulations since the year 1763. I fix on that period, because the Congress complain of nothing prior to that era. They have never hinted at the repeal of the *Navigation Act*, nor any other acts before that year. In the petition of the Congress to the King, in October 1774, they say, "from " this destructive system of colony admissi- " on, adopted since the conclusion of the " last war, have flowed those distresses, dan- " gers, fears, and jealousies, that overwhelm " your Majesty's dutiful colonies with af- " fliction; and we defy our most subtle and " inveterate enemies to trace the unhappy " differences between Great Britain and
these

"these Colonies from an earlier period, or
 "from other causes than we have assigned,
 " &c. &c. We present this petition only to
 " obtain redress of grievances, and relief
 " from fears and jealousies, occasioned by
 " the system of statutes and regulations
 " adopted since the close of the last war." In
 the same year the Congress declared to the
 people of Great Britain, " place us in the
 " same situation that we were at the close of
 " the last war, and our former harmony will
 " be restored." It is an explicit offer of a
 compact between the two countries. Their
 language was exactly the same in the follow-
 ing year, in their last petition to the Throne.
 They were alarmed by a new system of sta-
 " tes and regulations, adopted for the admi-
 nistration of the Colonies, that filled their
 " ships with the most painful fears and jea-
 " lousies." Here then, sir, Great Britain is
 at issue with the Colonies. Repeal these un-
 just and injurious Acts, and our former har-
 mony will be restored. We shall hear no more
 of the sword and bayonet on one side, nor

the scalping-knife and tomahawk on the other. There will be no more effusion of human blood, no heart-piercing cries of whole families most cruelly butchered, or expiring under tortures.

I fear, sir, that I have intruded too long on the patience of the House. I wish not to tire gentlemen. I am sure I had rather hear any voice than my own within these walls; but I must beg on a business of this moment a little farther indulgence to give, as briefly as I can, a general account of the other *Acts*, which I hope will be repealed. I begin with the fourth of the King. From that period of this insuspicious and inglorious reign, a regular and uniform system of attack on the rights and privileges, both of America and Great Britain, has been, except during a short interval, invariably pursued, under the direction, I believe, of the *real* Minister. We shall now see how this system has operated in a variety of *Acts* against our brethren in the Colonies of North America. The fourth of the King, chap. 15. is, "An Act for grant-

"ing

“*ing certain duties in the British Colonies and Plantations in America, &c.*” Another Act of the same year is chap. 34. “An Act to prevent paper bills of credit, hereafter to be issued in any of his Majesty’s Colonies, or, Plantations in America, from being declared to be a legal tender in payments of money, &c.” In the following year the “Act to alter certain rates of postage, &c.” In the sixth of the King, “An Act for repealing certain duties in the British Colonies and Plantations, &c. and for granting other duties instead thereof, &c. &c.” The subsequent year, teemed with two births fatal to American liberty. I mean the “Act to enable his Majesty to put the customs and other duties in the British dominions in America, &c. under the management of Commissioners, &c.” I must however declare, that I believe the hope of providing for the numberless hungry dependents and sycophants, who daily and hourly beset and besiege the minister, gave rise to this statute. The other Act of the same

year, intituled, "An Act for granting certain duties, in the British Colonies and Plantations in America, &c. &c." I shall move to be only in part repealed, for so much of it as relates to the duties on glass, red and white lead, painters' colours, paste-boards, mill-boards, and slate-boards, is already repealed by the tenth of the King, chap. xvii. Then, first, follows the Act in the eighth of the King, intituled, "An Act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the Acts of Parliament relating to the trade or revenues of the British Colonies and Plantations in America." These Acts are objected to, because duties are imposed by them for the purpose of raising a revenue in America. They take away the trial by jury, and extend the powers of the Admiralty Courts beyond their ancient and legal jurisdiction. The twelfth of his Majesty, chap. 24. I. propose to repeal, because persons committing a variety of offences specified in that Act, *out of this realm*, may be tried in any county

country within this realm. This is directly contrary to the first principles of the constitution, which gives a right to a trial by a jury of the vicinage, who are justly supposed best to know the party accused. The same objection holds in full force against the Act in 1774, intituled, "An Act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the Province of the Massachuset's Bay in New England." Another Act, in the same year, chap. 45, takes away the Charter granted to the inhabitants of the Province of the Massachuset's Bay by the glorious William III. The Quebec Act followed, which totally annihilated the mild and equal systems of English laws, and established French tyranny and the Romish religion in their most abhorred extent. The Romish clergy by the said Act may claim to hold, receive and enjoy their accustomed dues and rights, and no person professing the Romish religion is obliged to take

the

the oath required by the statute in the first year of Queen Elizabeth. The ministers of the established church of England were, as usual, totally neglected by the Scottish father of this Act, and even those of his own *kirk* in this instance. Then comes the sweeping Act against the whole thirteen provinces, intituled, " An Act to prohibit all trade and intercourse with the Colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, &c. &c." which *trade and intercourse* brought into Great Britain, 'communibus annis, near two millions annually. The last Act I shall mention is worthy of completing the black catalogue. It is the Act of the last session "to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of High Treason, committed in any of his Majesty's Colonies or Plantations in America, or in the high seas, or the crime of piracy," which

which is now continued another year. It is sufficient to say of this Act, that it suspends the *Habeas Corpus* Act, which Judge Blackstone declares to be a *second Magna Charta, and stable bulwark of our liberties*; not very stable however, sir, in this reign, no more than our liberties. There are besides those, which I have mentioned, three other Acts complained of by our brethren in America. The first is the Boston Port Act, which passed in 1774. It was repealed in 1776, but the substance of it was re-enacted in the same general Act, the sixteenth of the King, ch. 5. The Act likewise "to restrain the trade and commerce of the Provinces of Massachusetts Bay and New Hampshire, &c. &c." is exactly in the same predicament. It was repealed and re-enacted in the same moment. The third Act alluded to is "for providing suitable quarters for officers and soldiers in his Majesty's service in North America." It passed in 1774, and expired at Lady-day, 1776. These three Acts I therefore omit. Perhaps I may have passed over some other obnoxious statutes since

1763; but I mean, sir, to propose the repeal of the whole system of the late American statutes and regulations, without which it is my fixed opinion you can have no permanent tranquillity, nor shall we see the dawn of peace in our time. I believe the repeal of the *Declaratory Act*, and the other statutes, the necessary foundation for a negotiation, if we are really in earnest to save a sinking state, if we hope to regain our Colonies, not to ruin or abandon them, not to exterminate their inhabitants, I would treat America as the sister, not the subject, of England. Bologna in Italy is still the sister, not the subject, of Rome. I remember the city of Bologna had *Libertas* in the first quarter of her arms. I wish it were in every quarter of Italy, of America, of the world.

I was not present, sir, in the House last Friday evening, but I have heard of a curious political race here at that time between two distinguished parties in the opposition, as if the ministers were now fairly run down, and all that remained was to divide the spoil. I was told of very dexterous management, of much

much cutting and shuffling, of a variety of propositions hinted at, on one side of abandoning the Colonies on certain terms of advantage, on the other of giving up some rights and enforcing others with vigour. I have no connection with either party, nor with any party of the state. *Provoce ad per-
petuum* will ever continue my motto. But may I venture, sir, to give both these parties a hint or two? I think that they need not quarrel yet, for hitherto I observe no vacancy on the treasury bench. Another thing I would just mention. Perhaps it might be prudent for both the parties to attend a little to the opinion of our common master. Lord Hillsborough's *circular letter* to all our governors on the continent and islands has been brought into this House for various purposes. I shall now make use of it to convince both parties, all parties, every gentleman, of the necessity of a speedy reconciliation with the Colonies, from the declared sentiments of our Sovereign. The conclusion of that famous letter is in the following words, " His Majesty relies upon your prudence

1763; but I mean, sir, to propose the
 of the whole system of the late American
 states and regulations, without which
 my fixed opinion you can have no permanent
 tranquillity, nor shall we see the damp
 peace in our time. I believe the repeal of
Deteratory Act, and the other statutes,
 necessary foundation for a negotiation, which
 are really in earnest to save a sinking ship
 if we hope to regain our Colonies, not to
 abandon them, nor to extirpate the
 inhabitants. I would treat America still
 softer, not the subject, of England. Bologna
 in Italy is styled the softer, not the subject of
 Rome. I remember the city of Bologna to be
Liberum in the first quarter of her arms, I
 wish it were in every quarter of Italy, of
 America, of the world.

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"dence and fidelity for such an explanation
 "of his measures, as may tend to remove
 "the prejudices which have been excited by
 "the misrepresentations of those who are
 "enemies to the peace and prosperity of
 "Great Britain, and her Colonies, and to
 "re-establish *that mutual confidence and affection,*
 "upon which the glory and safety of the
 "British empire depend."

I believe, sir, that I have demonstrated to
 the House, how absolutely impossible it is
 that *mutual confidence and affection* can return
 between Great Britain and her Colonies, till
 this *Declaratory Act*, the foundation of the
 contest, the root of the evil, is done away.
 We are evidently in a declining, and shall
 soon be in a desperate state, if this remedy is
 not immediately applied. I therefore think,
 it my clear duty, not only for the glory, but
 the very *safety* of the British empire, to move,
 "That leave be given to bring in a bill to
 "repeal an Act, passed in the sixth year of
 "his present Majesty, intituled, an Act for
 "the better securing the dependency of his
 " Majesty's

"Majesty's dominions in America upon the
Crown and Parliament of Great Britain."

VOTES of March 2, 1773.

Ordered,

That the order of the day, for the third reading of the bill (now engrossed) to enable his Majesty to appoint Commissioners, with sufficient powers, to treat, consult, and agree, upon the means of quieting the disorders now subsisting in certain of the Colonies, Plantations, and Provinces of North America be now read, &c. &c.

Ordered,

That the order of the day for the third reading of the bill (now engrossed) for declaring the intentions of the Parliament of Great Britain, concerning the exercise of the right of imposing taxes within his Majesty's Colonies, Provinces and Plantations, in North America, be now read.

And

And the said order being read accordingly,
The said bill was read the third time.

Resolved,

That the bill do pass, and that the title
be; *An Act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain, in any of the Colonies, Provinces, and Plantations in North America and the West Indies, and for repealing so much of an Act made in the seventh year of the reign of his present Majesty, as imposes a duty on Tea imported from Great Britain into any Colony or Plantation in America, or relates thereto.*

Mr. Wilkes said,

Mr. Speaker,

I have not given the least opposition to the progress of any one of the conciliatory bills, which have been brought into this House by administration. I thought it the part of candour to acquiesce, to suffer the bills to go through the committee without interruption, and to receive every improvement, which the

noble

the noble Lord with the blue ribbon, who
had introduced them among us, or any of
his friends on the other side of the House,
chose to suggest or adopt. We are now, sir,
in possession of a plan, with much care re-
vised and corrected by the *offensive* Minister
here, in the full expectation of its being
equally pleasing and palatable on both sides
of the Atlantic as well as this House. The
great difficulties indeed, sir, opposition must ap-
peal to, for they are undoubtedly their own,
they were long ago traced out by themselves,
though the spirit of them is now gone.

Other means than those of coercion have
been long steadily urged. The noble Lord
with the blue ribband has as liberally bor-
rowed their ideas as the Chancellor of the
Exchequer means to borrow their money on
Friday, when he opens the budget. The
gentlemen on this side the House have fre-
quently proposed a revision of all the acts
complained of by our American brethren.

* Lord North, Chancellor of the Exchequer, rep-
resent for Banbury.

Above three years ago a parliamentary revision of those statutes was warmly pressed on the Minister; and it is not three months since I had the honour of submitting to the House a motion for the *repeal* of those very Acts, which, in a less constitutional mode, *Commissioners* are now authorized to *suspend*. I made that motion, sir, while America was still free to negotiate, still free from all foreign treaties, or solemn engagements as independent states, with any of the great powers of Europe. There is scarcely an idea in the acts, for gentlemen seem to agree to consider them together, which has not been suggested by opposition. The "Cessation of
 " hostilities on the part of his Majesty's for-
 " ces by sea and land," "the granting a par-
 " don or pardons to any number or descrip-
 " tion of persons within the said Colonies,
 " Provinces or Plantations," "the treating,
 " consulting, and agreeing with any body or
 " bodies politic and corporate, or with any
 " assembly or assemblies of men, or with any
 " person or persons whatsoever, of or con-
 " cerning

"cerning any grievances or complaints of
 "grievances, existing or supposed to exist in
 "the government of any of the said Colonies,
 "Provinces, or Plantations respectively, or
 "in the laws and statutes of this realm re-
 "specting the same," "the treating of any
 "aid or contribution to be furnished by any
 "of the Colonies, Provinces, or Plantations
 "respectively," "the not imposing any
 "duty, tax, or assessment whatever, payable
 "in any of his Majesty's Colonies, Prov-
 "inces, and Plantations in North America,
 "except only such duties as it may be ex-
 "pedient to impose for the regulation of
 "commerce," all these important considera-
 tions have been repeatedly urged to the Mi-
 nister, while the sword still slept in the scab-
 bard, before the late deluge of the blood of
 the subjects of this empire in an unjust and
 unnatural war. At last more is offered than
 was asked. A repeal of all the obnoxious
 acts since the year 1763 only was proposed.
 The Minister now agrees to sacrifice the sta-
 tutes of almost another year, for he gives up
 all the acts since the 10th of February 1763,

the infamous ~~era~~ of the peace of Paris, by which the most valuable conquests of a glorious war were sacrificed. Whence can such a change arise?

I observe, sir, that several gentlemen have this day mentioned their conversion, the ~~era~~, and cause. A very learned * advocate has said, that he was converted when Sir William Howe was forced to retire from the Jerseys. Another honourable † gentleman tells us, that he was converted when General Burgoyne capitulated at Saratoga. Washington and Gates, sir, are certainly very powerful apostles. I should not be surprised, if General Howe himself was at last converted. I believe the ~~era~~ of the noble Lord's conversion is not far distant. I suspect it happened at the successful moment of the late American negotiation in France, which I greatly fear has established their *independence*. It is impossible not to be charmed with the gentle, meek, supplicat-

* Henry Dundas, Esq; Lord Advocate for Scotland, member for Edinburghshire.

† Charles Baldwin, Esq; member for Shropshire.

supplicating, humiliating tone of the noble Lord at the present moment. We hear no more of the *condign punishment of traitors*, of the vengeance of the state against daring rebels*. The harsh discord of war no longer grates on our ears. Peace, harmony, reconciliation with our brethren, are the enchanting sounds, with which we are now ravished. The terrible, exterminating minister of wrath no longer alarms the revolted Colonists with *Quis ego.*—The noble Lord, with no less po-

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licy

* In the *Proclamation* of General Gage, dated Boston, June 12, 1775, *Samuel Adams* and *John Hancock* are proclaimed rebels and traitors, and as such to be treated. The General says, “ I do hereby, in his ‘ Majesty’s name, offer and promise, his most gracious ‘ pardon to all persons who shall forthwith lay down ‘ their arms and return to the duties of peaceable ‘ subjects, excepting only from the benefit of such ‘ pardon, *Samuel Adams*, and *John Hancock*, whose ‘ offences are of too flagitious a nature to admit of any ‘ other consideration than that of condign punishment.”

In this manner have two of the most deserving friends of the British constitution been treated on account of their steady opposition to every attack of despotism. The real sentiments of Mr. *Adams*, and his affectionate

licy than pity, soothes them; and in mild accents says, *motos praefat componere flatus.* I much fear however, sir, the Colonies will never be gathered together again under his ministerial wing.

The conciliatory bills are in my opinion more calculated for this country than America. They appear only meant to keep the minds of the people quiet here, and to amuse this kingdom, not to regain the Colonies ; but I trust the day of reckoning and exemplary

affectionate regard for the parent state, are happily expressed in a letter to Mr. Wilkes of the year 1770, the original of which has been seen by the editor. When Mr. Wilkes was Lord Mayor, he read to the Livery of London from the hustings on Michaelmas-day a letter from Mr. Hancock, as President of the Congress, although he had been proclaimed a *rebel* and *traitor* in the name of his *mizguided Sovereign*. The two letters are here exactly copied.

S I R,

Boston, Dec. 28, 1770.

Having been repeatedly solicited by my friend, Mr. William Palfrey, I embrace this opportunity of making my particular compliments to you; in a letter
which

exemplary punishment approaches. The present dead calm forebodes a furious tempest. The bills hold out what ministers know to be a fallacious hope, a reconciliation with the Colonies on terms short of *independence*. The object is merely to screen ministry from the indignation of the public, and the vengeance of the people. There can be little doubt of this, when the very words

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which he will deliver. My own inclination has coincided with his request; for I should pride myself much in a correspondence with a gentleman, of whom I have long entertained so great an opinion. No character appears with a stronger lustre in my mind, than that of a man, who nobly perseveres in the cause of public liberty, and virtue, through the rage of persecution. Of this you have had a large portion; but I dare say, you are made the better by it. At least I will venture to say, that the sharpest persecution for the sake of one's country can never prove a *real injury* to an honest man.

In this little part of the world, a land, till of late happy in its obscurity, the asylum--to which patriots were formerly wont to make their peaceful retreat; even here the stern tyrant has lifted up his iron rod, and makes his incessant claim as *Lord of the soil*: but I have a firm persuasion in my mind, that in every struggle, this country will approve herself, as glorious

of the acts, in the state they first appeared here, are considered. The preamble of one of the acts was, " Whereas the exercise of the right of taxation by the parliament of Great Britain for the purpose of raising a revenue in his Majesty's Colonies, Provinces, and Plantations in North America, has been found by experience to occasion great uneasinesses and disorders, and has

in defending and maintaining her freedom, as she has heretofore been happy in enjoying it.

' Were I a native and an inhabitant of Britain, and capable of affording the least advice, it should constantly be; to confirm the Colonies in the fullest exercise of their rights, and even to explore for them every possible avenue of trade, which should not interfere with her own manufactures. From the Colonies, when she is worn with age, she is to expect renewed strength. But the field I am entering is too large for the present: may heaven forbid, that it should yet be truly said of Great Britain, *Quam Deus vult perdere - !*

I am with strict truth,

S I R,

Your most humble servant,

SAMUEL ADAMS

John Wilkes, Esq;

My

“ has by sundry misrepresentations been made
 “ the means of misleading many of his Ma-
 “ jesty’s faithful subjects.” — These words
 are a kind of second *Declaratory Act*, in which
 the *right of taxation* is asserted at the instant
 you give *Commissioners* power to suspend it.
 Was this meant as a healing measure ?
 Could Ministers really intend to confer a fa-
 vor,

My Lord, Philadelphia, July 8, 1775.

Permit the Delegates of the people of twelve ancient Colonies to pay your Lordship, and the very respectable body of which you are head, the just tribute of gratitude and thanks for the virtuous and unsolicited resentment you have shewn to the violated rights of a free people. The City of London, my Lord, having in all ages, approved itself the patron of liberty, and the support of just government, against lawless tyranny and oppression, cannot fail to make us deeply sensible of the powerful aid our cause must receive from such advocates ; a cause, my Lord, worthy the support of the first city in the world, as it involves the fate of a great continent, and threatens to shake the foundations of a flourishing, and, until lately, a happy empire.

North America, my Lord, wishes most ardently for a lasting connection with Great Britain, on terms of just and equal liberty ; less than which generous minds will

your, as they affected to think, and yet chuse
 the most offensive, the most obnoxious, the
 most galling expressions? The preamble to one
 of the other Conciliatory Bills is liable to the
 same strong objection. It is, "for the quiet-
 ing and extinguishing of divers jealousies
 and misrepresentations of danger to their
 liberties and legal rights, which have
 " miffed

not offer, nor brave and free ones be willing to re-
 ceive.

A cruel war has, at length, been opened against us,
 and, whilst we prepare to defend ourselves, like the de-
 scendants of *Britons*, we still hope that the mediation
 of wise and good citizens will at length prevail over
 despotism, and restore harmony and peace on perma-
 nent principles, to an oppressed and divided empire.

We have the honour to be,

MY LORD,

With great esteem,

Your Lordship's

Faithful friends and Fellow-subjects.

By Order of the Congress.

JOHN HANCOCK, President.

To the Right Ho-
 norable the Lord
 Mayor and Livery
 of the City of Lon-
 don.

"miffed many of his Majesty's subjects in
the Colonies, Provinces, &c." Must not
such expressions be necessarily considered by
the *Congress* as the language of high and di-
rect insult? The *Commissioners* must de-
rive all their powers from these acts of the
legislature, in which the Americans were
accused, and upbraided. Are these the win-
ning, persuasive arts of peace and reconcilia-
tion? Was a reconciliation really intended,
or have Ministers only in view to delude the
nation, and to incense them against the An-
mericans, with the absurd hope of at last
compelling them to an *unconditional submis-
sion*?

Administration, sir, thought the game des-
perate, and had only in view their own safe-
ty, the preservation of their power, and per-
haps a facility in the ensuing loan. They
knew the solemn declarations of the Con-
gress to some of the greatest powers of Eu-
rope, so early as December 1776, and con-
firmed last November, the basis of which
rested solely on their *independence*. They pos-
sess it *de facto*. I fear we shall be obliged to

give

give it them *de jure*. If the present propositions are rejected, we cannot hesitate in preferring the acknowledgment of their *independence* to an expensive and bloody war, in which at last *conquest* is admitted to be an impossible and frantic attempt. We ought to enter into a federal union with them, and endeavour to secure the advantages of the most important trade with America by a commercial treaty, which would be reciprocally advantageous to both countries—unless indeed the eloquence of our *Commissioners* can effect what the force of our arms has in vain attempted, their relinquishing the claim of *independence*. The administration are perfectly acquainted with the various commercial engagements of the Colonists, from which they cannot recede. It appeared likewise that the military as well as the civil have concurred in reprobating every idea of a dependence on this country. *The sceptre of America is departed from Britain.* Three months after the British army had taken their capital, the seat of the Congress, Philadelphia, Washington gave it out in general orders.

from

from head quarters, December 17, 1777.
 " We may on the best grounds conclude,
 " that by a spirited continuance in the mea-
 " sures necessary for our defence, we shall
 " finally obtain the end of our warfare, inde-
 " pendence, liberty, and peace." In Octo-
 ber 1774, the Congress humbly supplicated
 his Majesty for *peace, liberty, and safety*. Since
 that period, *safety* had been secured to them
 by their own prowess, except indeed on some
 parts of their very extensive coast. They
 had since been driven into *independence*, and
 began to taste its sweets. We had cancelled
 all the ties by which the two countries were
 long held together, and since we had forced
 them into a very reluctant warfare, they
 held to the people and the army, as its great
 end, the manly language of *independence, li-
 berty, and peace*. America was driven to
 desperation. It is now, as to us, a bosom
 friendship soured to an implacable hatred.
 We have wantonly burnt her towns, butch-
 ered her men, women, children, even in-
 fants at the breast, massacred the captives in
 cold blood, scalped the dying and wounded,

and

and carried fire and sword through her most fertile provinces. What a contrast has her conduct been to a whole British army, and general, who capitulated? What a nobleness in turning away from the humiliating spectacle of *English soldiers piling their arms by word of command from their own officers?* Are our Ministers weak enough to expect to cajole America with a parchment Act, at the moment they declare that they despair of conquest by the sword? The idea must to them be perfectly ridiculous, when the Americans recollect that the noble Lord with the blue ribband, at the beginning of the war, had prophesied that they would be soon *at our feet*, and the noble Lord at the head of the American department, had insisted on *unconditional submission*. The Americans had now tried their strength, and found their resources, both on their own continent and in Europe, adequate to all their views. They saw the world in admiration of their firmness and fortitude, in the warmest applause even of their military achievements. The *æ*cal of the French na-

tion in their cause rose to the highest pitch of enthusiasm, and even this island might say to America, in the words of Horace, “*te
cæde gaudentes Britanni compositis veteran-
tur armis.*”

The honourable * gentleman, sir, who made you the motion for the third reading of the bill, says, the Americans will see, “that we do not mean to tax them.” They have no confidence, sir, in any of our professions or promises. The act of parliament of the session, or the secretary’s official letter, they hold in equal contempt. In 1765, there was so great a stagnation of our commerce in consequence of the Stamp Act, that in the following year *that* unjust, as well as uncommercial act, was repealed, and all the sources of trade between Great Britain and her Colonies were again opened, and flowed in abundance. Notwithstanding this, in the very next year, duties to be paid in America were imposed on tea, glass, paper, and other articles,

* Sir Grey Cooper, Bart. member for Saltash, joint Secretary to the treasury.

articles, which threw the whole empire again into convulsions. America saw that we were not to be confided in during the short period of a single year, and that no tie, even of our own interest, could bind us to any terms of future security for them. It is impossible, without the highest indignation, to reflect from what a height of prosperity we are now in consequence fallen into an abyss of misery and ruin. The dispositions of America in 1766 were most friendly and affectionate. The wise measure of the repeal of the Stamp Act diffused universal joy through the thirteen, now revolted, Colonies. At Philadelphia in May 1766, they unanimously came to the following resolutions " That to demonstrate our zeal to Great Britain, and our gratitude for the repeal of the Stamp Act, each of us will, on the fourth of June next, being the birth-day of our most gracious sovereign George the Third, dress ourselves in a new suit of the manufactures of England, and give what home-spun we have to the poor." What were

the unanimous resolutions of the Congress not ten years after; in the very same town?—Our enemies have published them to the world with mockery and triumph. With what perfidy has the province of the Jerseys been treated? When that province returned to its allegiance, was it restored to the free-exercise of its trade and commerce, and to the same protection and security as if it had never revolted? Or did that province continue under the *ban of the empire*, as a lucrative job to the friends of the Minister? Yet the Minister, in the King's name, at the opening of the session of parliament in October 1775, solemnly held out such promises to the Americans. It is impossible the Colonists can have any confidence in such Ministers, or their agents, or *Commissioners*; and unless men, as well as measures, are changed, no permanent reconciliation can be effected. Our perfidy may indeed possibly be retaliated upon us in a mock treaty and a delusive negotiation, but no stable, solid peace can be obtained with the Americans by the authors of their grievances.

The ear of England, sir, is rankly abused by Ministers who pretend to assure us of pacific dispositions in the Colonies, and a desire to return to their dependence on the parent state, when not the least symptom of such a nature has appeared. Has the Congress, or any one colony, made the least overture to a reconciliation, since their declaration of *independence*? Have not the Americans expressed the utmost abhorrence of the Ministers, who are to nominate the *Commissioners*, instead of a disposition to treat with them? and will they entertain a more favourable idea of their creatures? I must declare that I see nothing in the intended negotiation, but disgrace and humiliation on our part, after our repeated injuries, except indeed a lucrative job for five bold, hungry, dependents of the minister. Would to God, sir, I may be mistaken, and that the *Commissioners* may return to Europe with unenvied wealth and bloodless laurels. Their grateful country will honour them to its latest posterity, and their fame will be immortal.

An honourable* gentleman, one of the greatest ornaments of this house, says, that he *observes great benevolence among us towards the Americans.* I heartily wish that I could discover it. Among three sets of gentlemen mentioned by him, I fear the Americans have very few friends. All the dependents of administration, the large majority in this house, who have voted all the cruel, and oppressive acts now to be suspended, have certainly no *great benevolence* towards the Americans. Those, who are accustomed to pace in the trammels of a despotic Minister, and to be obedient to his sovereign nod, naturally abhor the enthusiastic love of liberty, the uncontrolled spirit of the sons of freedom. I suspect likewise that there is not much good-will towards our fellow-subjects in the Colonies, among the inhabitants in the northern parts of our own island. It would be a curious speculation to investigate the causes of the marked hatred

* Edmund Burke, Esq; member for Bristol.

of the Scots in general to the Americans. Is it, sir, that although some small parts of America are almost over-run with tories, as others are with different destructive animals, yet there scarcely ever was found a single Jacobite in all our Colonies? Are the Scots in despair, because they have not been able to find any thing in North America congenial with them? They cannot there mingle treason with treason. Is it that believing the present resistance in the Colonies to partake of the nature of a true rebellion, they are jealous of such an usurpation of the Americans on their peculiar prerogative? Scotland seems, indeed, the natural *foyer* of rebellion, as Egypt is of the plague; but, sir, no monopolies in this commercial country are permitted. Manchester and Liverpool would oppose such a monopoly, and justly claim no small share in it, from their vigorous efforts in favour of the Pretender in 1745. It will, sir, be a new and curious spectacle in 1778, to mark the North pouring forth her hardy sons to quell an American, not to aid a native, rebellion, carefully nursed in her frozen

bosom,

bosom, and afterwards in a tainted part of England kindly tendered and fostered in its progress to the South. The third set of persons lately mentioned, are the country gentlemen. I respect the character, but I fear many of them are hostile to America and American rights. They are for the most part steady, not burthened or perplexed with many ideas, and perhaps with few of a very liberal nature. A single principle appears of late to have governed them. They hoped to throw off from their shoulders on the poor Americans a considerable part of the enormous burdens, under which they groan, of the debts of their late adopted German, and the present American, war. The noble Lord with the blue ribband, had assured them of a *solid and substantial revenue* from America. On this plan of private œconomy to them the Minister bargained for their support. Their disappointment, and the sense of his jockeyship, has undoubtedly much chagrined them—but I will not dwell on this subject. Their eyes seem to be opening, just as they are drowning.

Another honourable * gentleman complains, “ that every thing respecting the public is in a great degree neglected, and that some of our most important concerns are scarcely regarded.” He has accordingly, with much good sense, held out to the House the idea of a committee to examine into the expenditure of the public money during this war. I agree with him, that nothing is now secure, or indeed properly taken care of—except the Protestant succession. His proposal meets my full and warm approbation. Another committee, however, seems to me still more immediately necessary, a committee to enquire into the nature and causes of the failure of the Canadian expedition, for we cannot *bide the nation's scar.* I am sorry to be informed that the house is to be prorogued † at Easter, for I fear we cannot in this session undertake both these important

* Thomas Gilbert, Esq; member for Litchfield.

† Notice of this had been given the preceding week to the committee Clerks of both houses, that all private business might be expedited, it having been determined to prorogue Parliament on the Thursday before

portant concerns. The enquiry into the Canadian expedition, the loss of a British army, and the horrid cruelties said to be committed on our fellow-subjects, are of the first importance, both to vindicate the honour of our sovereign, and the humanity of the nation. I am shocked, sir, at the false rumours daily spread, and the foul reproaches cast on the common father of all his people. It is circulated in print, sir, that on the 17th of October, after Burgoyne's capitulation, in which Gates demonstrated a refined delicacy of honour, unparalleled in European armies, the British general was received with respect, and dined with the American hero, that nothing unkind was said to him, except asking how he could find in his heart to burn the poor country people's houses wherever he passed; and that he answered, that it was the King's orders. From all the letters of Burgoyne it has been repeatedly ascertained, that the project of the

fore Easter, on the 16th of April. The unexpected Declaration from the Marquis de Noailles, on the 13th of March, however kept the Parliament sitting till the 3d of June.

Canadian expedition originated from the *object* of the King, and the office of the American Secretary, and that employing the *savages* against our fellow-subjects was among the primary ideas adopted on that occasion. The American Secretary in a Letter to General Carleton, dated Whitehall, March 26, 1777, says, "As this plan cannot be advantageously executed without the assistance of Canadians and Indians, his Majesty strongly recommends it to your care to furnish both expeditions with good and sufficient bodies of those men. And I am happy in knowing that your influence among them is so great that there can be no room to apprehend you will find it difficult to fulfill his Majesty's intentions." In the "Thoughts for conducting the war from the side of Canada, by General Burgoyne," which were approved by the King, Burgoyne desires *a thousand or more savages.* Colonel Butler was directed to distribute the King's bounty money among such of the *savages* as would join the army; and, after the delivery of the presents, he asks for 4000 l. York currency

more,

more, before he left Niagara. He adds in a letter on our table, "I flatter myself that you will not think the expence, however high, to be useless, or given with too lavish a hand—I waited seven days, to deliver them the presents, and give them the *batchet*, which they accepted, and promised to make use of it." This letter is dated Ontario, July 28, 1777. In another from the same officer it is said, "The Indians threw in an heavy fire on the rebels, and made a flocking slaughter with their spears and *batches*—The success of this day will plainly shew the utility of your Excellency's constant support of my unwearied endeavours to conciliate to his Majesty so fierceable a body of allies." This is a letter from Colonel Butler to Sir Guy Carleton, dated Camp before Fort Stanwix, Aug. 15, 1777. Burgoyne's barbarous proclamation appears to be only a consequence of his sanguinary instructions.

General Gates's letters have informed the world with what savage ferocity and cruelty the *Indians* carried on a war, to which they were

were so strongly invited. An Indian campaign is known to be productive of every species of torture; to which the human frame is subject. In the last campaign scarcely fewer women and children, in some parts where the war raged with the greatest fury, expired under the torture of the tomahawk and scalping-knife, than were killed by the sword and bayonet among those who bore arms. Colonel Butler's Letter to Sir Guy Carleton of July 28th says, "many of the prisoners were, conformable to the Indian custom, afterwards killed." Has the Secretary at war yet thanked the savages in the King's name for their *aberrity*? I have not had time fully to examine the numerous papers on our table, and therefore I am ignorant whether we have any letter from His Lordship similar to that from the War-office, of the 12th of May, 1768, "that having had the honour of mentioning to the King the behaviour of the detachments from the several tribes of Indians, which have

* Lord Buxton, member for Plymouth.

" have lately been employed in scalping and
 " tomahawking his American subjects, he
 " has great pleasure in informing the general,
 " that his Majesty highly approves of the
 " conduct both of the Indian chiefs and the
 " men, and means that his royal approbation
 " should be communicated to them through
 " the general. Employing Indians in such a
 " service gives him [the humane Secretary at
 " War] pain, but it is necessary. He hopes
 " they will continue to perform their duty with
 " alacrity. Every possible regard shall be
 " shewn to their zeal, and they shall have the
 " protection of the law, and this office, un-
 " der every disagreeable circumstance."

Mr. Burgeoyn held himself out as an active agent on this occasion, not by the slightest mention of any supposed military talents, but by such abject flattery of the American Secretary, as I hope no other man in Europe could commit. He declares in a letter to Lord George Germaine, dated from Hertford-street, Jan. 1, 1777, "I humbly laid myself at his Majesty's feet for such active employment as he might think me worthy.

" worthy of.—This was the substance of my audience on my part: I thd^d took it, and I now report to your Lordship, in the hope of your patronage in this pursuit; a hope, my Lord, founded not only upon a just sense of the honour your Lordship's friendship must reflect upon me, but also upon a feeling that I deserve it, in as much as a solid respect, and sincere personal attachment can constitute such a claim." In his letter of June 22, 1777, he seems to have fully entered into the ideas of his principal; for he says, "that he met the Indians yesterday in Congress, and gave them a *war-feast* according to their custom," of which *war-feast* we know the most solemn ceremony to be drinking Human blood out of the skulls of their enemies. In the same conference he confesses to the mangling of the dead, for he says that he "allowed the Indians to take the scalps of the dead." Surely, sir, an enquiry into those horrors, and the failure of an expedition which has not only disgraced our arms, but obscured the name of Englishmen, and fixed a foul stain on

our national character, is still more worthy of our enquiry than even the waste of public treasure, although we are, I fear, if the war continues, too near the brink of a general bankruptcy.

I observe, sir, that gentlemen have this day been very fond of giving advice to Ministers. I am not fond at any time of giving advice, but I will for once follow the example. My advice then, sir, to administration is, to supplicate his Majesty to order an immediate cessation of arms in North America, and to recall his forces. Humanity and justice call aloud for this measure. The Minister has at last confessed, *we cannot conquer America*. To what purpose then are more torrents of blood to be shed? The Americans will accept, or they will reject, your propositions. If they are accepted, the war is at an end by concession. If they are rejected, the end of the war, conquest, has been found, and is now acknowledged to be, impracticable. The shedding of the blood therefore of a single man for an object, which confessedly cannot be obtained, is not only unjustifiable, but highly

highly criminal. Many of the measures of opposition have been at length adopted by Ministers. I hope this, the most important of all, will have the same success. An immediate cessation of arms was proposed the very first day of this session, by an excellent young nobleman on this side the House*. It will do more than all your Commissioners can without it. ... Perhaps it may save Howe from the fate of Burgoyne. It will give time for cooling on both sides, and at least shew that you are relenting towards your brethren, that you are eager for that peace and reconciliation, which alone can form the solid happiness of both countries, and must be devoutly wished by every friend in each to their mutual prosperity. It may save the fragments of this dismembered empire, for I own I shall tremble for the fate of Canada, nearly lost three years ago, Nova Scotia, the two Floridas, and even the West Indian islands, if the powerful confederacy of the Thirteen United Colonies continues.

Sixy

* Marquis of Granby, member for Cambridge University.

Sir, I heartily wish success to those Compromising Bills, and that we may regain by treaty what we have lost by tyranny and arms. I would agree to almost any treaty rather than continue this ruinous war, which has cost already above thirty millions sterling, and the loss of 20,000 men. I entirely approve the effort, although I have my fears that it is made too late. *Sat bene, si fat citè.* Let the experiment however be tried, and may both Britain and America again form one powerful empire on the principles of equal liberty, just, mild, commercial, and tolerant! We shall then be able to stand the shock of all the adverse powers of the world, again feared and respected abroad, and at home a great, united, and happy people.

Votes of April 2, 1778.

A Motion was made, and the Question being put, That leave be given to bring in a Bill, more effectually to prevent the dangerous and unconstitutional practice of giving or

or granting money to the Crown, as a private aid, loan, benevolence, or subscription; for public purposes, without the consent of Parliament.

Mr. Wilkes said,

Mr. Speaker,

In this free country, where the people have so considerable a share in the legislature, I hold it to be the duty of every man to watch over the constitution. The members of this House are more particularly delegated to a charge of this moment and importance. Any wilful negligence or inattention in us would be a breach of trust. In this thorough conviction I shall take the liberty of submitting to your consideration some late proceedings, because I am convinced they are, although countenanced by the highest authority, directly repugnant to the genius of our laws and government. The late encroachments on the constitution by the executive power of the state have neither been gradual, nor inconsiderable.

Among

Among the great outlines of this well-poized constitution, I believe it will be acknowledged, that one of the most striking is, the power assumed and regularly exercised by this House of granting the money of the people. This creates the dependance of the Crown on Parliament for supplies. The purse of the nation has been subject only to the controul of this branch of the legislature. So great a jealousy has prevailed on this occasion, that the other House have never been suffered to make the least alteration in a bill, which could in any way be construed to be a *Money Bill*, even by a fine or penalty in an enacting clause. This, sir, is the *plastic power* of our creation. It gives us a certain, not a precarious existence. It is the single circumstance, which, under every change of Ministers, ensures our meeting annually within these walls. Were the *Land and Malt* taxes made permanent, could a revenue adequate to the whole annual public expence, and probable contingencies, with the necessary *ways and means*, be voted by Parliament for a term of years, I suspect

the present set of Ministers would advise as long an intermission of Parliaments as took place under some of the Stuarts. I do not mean, sir, that they have now any thing to dread from the same representatives of an injured people, whom former Ministers, who held the same principles and conduct, used to approach with fear and trembling. Ministers have now drawn, the sting, of this great popular assembly. We have seen this very Session such a servile complaisance, such an extreme of contradiction to themselves, that it shocks common faith, and must disgrace the *Majority* here in the eyes of all Europe. No Cameleon ever shifted more suddenly to the opposite colour than they have done from insolence, intemperate rage, and war, to meekness, peace, and almost humiliation to the Americans.

Can any thing, sir, be more alarming to the acknowledged right and privilege of this house, than the doctrine lately propagated, and the practice begun, of giving private aids, benevolences, and subscriptions, for public purposes, to the Crown, without the sanction

stitution of Parliament? The constitution has wisely placed in the crown the right of raising forces on a very pressing and dangerous emergency. It is a power necessary for the safety of the state, for the defence of the people. The strongest check is however at the same time given to any improper exercise of this power. It is controlled by the necessity of an application to Parliament for the maintenance of such forces. If troops could be raised, kept up, and paid, without the concurrence of this House, the liberties of this country must be at the mercy of the military; and their commander in chief, perhaps an ambitious prince. Our statute law, sir, is not silent on this occasion. Every year in the mutiny act it is expressly declared, that "the raising or keeping a standing army within this kingdom, in time of peace, unless it be with the consent of Parliament, is against law." But, sir, if the Crown can by a prerogative, which is not disputed, raise a standing army, and by private loans, benevolences, or subscriptions, keep this standing army on foot, no applica-

tion whatever need be made to Parliament. Our government would be that of the sword, not of the law, to which all appeals must be trifling and ineffectual. Parliaments are now convened to vote the necessary supplies, which are regularly asked of the Commons on the first day of the session. If government could receive them in any other mode than by the grants of this House, the legislature itself would not only lose its most important function, but become unnecessary, and very soon obnoxious. The executive power must be trusted with the raising of forces, but it is likewise the duty of this House to their constituents to take care that the number of those forces be so proportioned to the defence of the state, that the security of the subject may be provided for, and yet no alarm given to a nation very justly jealous of the least danger to its liberties. While the military receive their pay from the grants of this House, the maintenance of the army must depend on the approbation of Parliament; but if an artful, or enterprising, prince can find other resources, the soldier

will

will then look up to the prince, and not to the representatives of the people. The executive and legislative power must now concur in the measure of keeping on foot any number of regular troops, both in its first adoption, and continuance, or it cannot be the act of all the constituent parts of this government. If a designing prince, hostile, like most princes, to the cause of liberty, should be able to raise an army, and by foreign gold, and the mad zeal, or interested views, of a party among us, could contrive to keep it on foot, without the aid of Parliament, what security have we for the preservation of our civil rights and privileges? The refusal of supplies in this House to force the disbanding an army could have no valid effect, for parliamentary grants would not be solicited. Future princes might govern, like the Stuarts, without parliaments, by the exertion of an over-stretched prerogative, and even juries be under the controul of a *crown officer*, when the grand inquest of the nation was superseded.

The constitution of this country, sir, would be wounded in another branch of the legislature, in the House of Lords, by any grants of money, but through the medium of Parliament. The Peers have undoubtedly the right to reject a money bill. They may now by their negative force the disbanding any number of troops, which they think unnecessary, or dangerous to the safety of the nation. This important privilege would be taken from them, if such a body of troops were to be maintained by any private loans, benevolences, or subscriptions. The whole authority of the state would thus be absorbed in the crown, and the two other branches of the legislature become a mere phantom, supposing even their forms to be preserved.

I expect, sir, that it will be asked, are we not then at liberty voluntarily to give our money to the crown? Are *free gifts* from the subject to the King illegal? There is, sir, scarcely a country in Europe, which has not groaned under the oppression of what are called *free gifts*. The very term is become ridiculous. Many a peasant has perished in

a loath-

a loathsome dungeon, because he would not be compelled to a *don gratuit*. The English history supplies innumerable instances of the cruel exaction of what have been termed *voluntary loans* and *benevolences* to the King. Many families have been ruined under the Tudors and Stuarts, because they would not be forced to *free will offerings* to the Sovereign against their consent. The indiscreet ardour of a few begins a subscription, or loan, and then the rest of a nation are compelled, under pain of *our utmost royal displeasure*, to the same exertion, sometimes to their utter destruction. Neither can equality be observed in such contributions, whereas the fair and equal proportion of what every subject should pay to the exigencies of the state is one of the most important objects of every legislature. It becomes then the wisdom of parliament to put a stop to all abuses of this nature by an express statute.

I have heard, sir, the Act of the 13th of Charles II. mentioned as an enacting law on this occasion; but, sir, it by no means

reaches the present case. That Act only provides, " that no *commissions* or *aids* of this *nature* can be issued out, or levied, but by authority of parliament, and that this Act, and the supply hereby granted, shall not be drawn into example for the time to come." The *nature* of those *aids* and *commissions* was by authority under the great seal of England, to empower certain persons to receive such subscriptions as his Majesty's good subjects should voluntarily offer, no person, not being a peer of this realm, in such offer or present, to exceed the sum of 200 l. nor any peer of this realm the sum of 400 l. Reference is always had in this Act to commissions issued under the great seal. The necessity however of such an Act at a very particular period plainly shews the sentiments of that parliament, as to the general doctrine of loans and subscriptions, without the concurrence of the legislature.

There was, sir, something peculiarly offensive to this house in the manner and time, which the zealous partizans of a despotical administration chose, for the late unconstitutional,

tional mode of levying money without the consent of Parliament. The Minister had dictated to the *majority* an adjournment of a very unusual length. Immediately after, their agents were busily employed in getting subscriptions and raising troops. There had not been the least previous intimation of the new *plan* to this house, nor the usual message from the crown. No alarming symptom had recently appeared, even according to the apprehension of Ministers. The noble * Lord with the blue ribband assured us, that *he knew nothing of a treaty between America and France, nor did he believe its existence*, so judiciously had the immense sums we had voted for *secret services* been applied. The House adjourned on the 10th of December, and we have on our table a letter from the War office of the 16th, in which the secretary at war tells a gentleman † very near me, that he “ was commanded by the “ King to acquaint him that his Majesty
“ approves

* Lord North.

† Sir Thomas Egerton, Bart. member for Lancashire,

" approves of the very handsome offers made
 " by the town of *Manchester*, through him,
 " for raising a regiment of foot at their own
 " expence, the regiment to consist of eight
 " battalion companies, one company of
 " grenadiers, and one of light infantry." The eagerness of the inhabitants of that *loyal* town to subscribe could only find a parallel in their efforts during the years 1745 and 1746, and in the splendid zeal of another *equally well affected* town in the same county, I mean *Liverpool*. It appears from the same letter, that the *Manchester* regiment was to consist of no less than one thousand private men, besides a colonel, lieutenant colonel, major, captains, lieutenants, ensigns, serjeants, corporals, drummers, and fifers. The same establishment was to take place for *Liverpool*. Lord Barrington promises, in the King's name, that " the officers shall be entitled to *half-pay*, in case the regiment shall be reduced after it has been once established." This was to be considered as an engagement from the publick, although without the least communication

tion to Parliament, or consent of this House. The same promises were made to all the different corps, which were to be raised *during the late adjournment* in another part of this island, where the Protestant succession in the illustrious House of Hanover is now declared to be the idol of the people. All the new-raised Scottish regiments were to be entitled to *half-pay*. These absolute engagements for public money to be afterwards voted by Parliament, were made in direct violation of the rights of the representatives of the people, contrary to both the spirit and letter of this murdered constitution. On such terms the secretary at war's letters on our table state that Colonel Gordon's, Colonel Mackenzie's, Colonel Murray's, Colonel Maclean's, Lieutenant Colonel Campbell's, Lieutenant Colonel Mac Donnell's, the Edinburgh, Glasgow, and Liverpool regiments, were to be raised. Private *subscriptions* for the raising of these corps were at the same time warmly solicited by the agents of administration, and carried on with an uncommon spirit, immediately after the adjournment for the holydays. Some great

men had the additional douceur of “the list
 “of the other gentlemen recommended
 “through them for commissions being ho-
 “noured with the royal approbation, and
 “the secretary’s assurance in the King’s
 “name that they should have commissions as
 “soon as ever the regiment was raised,” be-
 sides the bribe of the *half-pay*. The secre-
 tary of state, sir, for the northern department,
 ventured to assert in the King’s name, that
 these private *subscriptions* were *constitutional*.
 In a letter from that learned Lord*, the
 Earl of Suffolk, to Sir John Wodehouse of

February

* *Henry Howard, Earl of Suffolk.* In *not all the blood of all the Howards ran so foul and polluted a stream*, before or since the time of the perjured evi-
 dence against Lord Russel and Algernon Sydney, the Lord *Howard of Escrick*, as in the present secretary of state for the northern department. On the 2d of Fe-
 bruary 1770, he voted against the Ministry in the great cause of the Middlesex elections, and with ano-
 ther unblushing apostate, the Earl of Buckingham-
 shire, signed the remarkable *Protest*, in which it is de-
 clared, “we deem the power which the House of
 “Commons have assumed to themselves, of creating
 “an incapacity, unknown to the law, and thereby de-
 “priving, in effect, all the electors of Great Britain of
 “their invaluable right of election, confirmed to them
 “by

February 17, it is said, "I have had the honour of laying before the King a copy of
 " the

" by so many solemn statutes, a flagrant usurpation, as
 " highly repugnant to every essential principle of the
 " constitution, as the claim of ship-money by King
 " Charles I. or that of the suspending and dispensing
 " power by King James II. This being indeed in
 " our opinion a suspending and dispensing power as-
 " sumed and exercised by the House of Commons
 " against the ancient and fundamental liberties of the
 " kingdom." To this solemn declaration the names
 of the secretary of state for the northern department,
 and the Lord Lieutenant of Ireland are subscribed,
 yet to this hour no satisfaction has been made to the
 injured freeholders of Middlesex, nor *in effect to all the electors of Great Britain.* The same administration
 continue the injury, and have been joined in the vio-
 lation of the constitution, as well as the plunder of
 their country, by the Earls of Suffolk and Bucking-
 hamshire.

Lord Suffolk rose to the favour of his royal master by the most formal and solemn species of hypocrisy, and by treachery to his country. He affected to be deeply religious, and impiously covered the most cruel and barbarous acts with the sacred name of the Deity, with a daring appeal to *God and Nature.* Lord Chat-ham in the House of Lords, Nov. 28, 1777, said,
 " they [the Ministers] have let the *savages* of Amer-
 " ca loose upon their innocent, inoffending brethren ;
 " loose upon the weak, the aged, and defenceless ; on
 " old men, women, and children ; upon the very babes
 " upon

“ the resolutions delivered to me, and am
 .“ now to inform you, that his Majesty is
 “ fully

“ upon the breast, to be cut, mangled, sacrificed, broil-
 “ ed, roasted, nay, to be literally eat. Was it by means
 “ like these we arrived at that pinnacle of fame and
 “ grandeur, which, while it established our reputation
 “ in every quarter of the globe, gave the fullest testi-
 “ mony of our justice, mercy, and national integrity?
 “ Was it by the tomahawk and scalping-knife that
 “ British valour and humanity became in a manner
 “ proverbial?” Lord Suffolk answered, “ We are ful-
 “ ly justified in using every means which God and na-
 “ ture has put into our hands.” Parliamentary Dé-
 .“bates, vol. 9. p. 25. Were the Brentford bludgeons the
 “ means which God and nature put into the hands of
 Mac Quirke and Balf to murder the freeholders of
 Middlesex? Can it be believed, that a just God, who
 has declared that *nobis sacerdotib mat's blood, by man
 shall his blood be shed*, approves the pardon of these
 murderous villains by a *pious prince*, the guardian
 of our constitution? Are tomahawks, scalping-knives
 and bludgeons honourable weapons of noble warfare,
 or civil contest? Are God and nature to be called in to
 justify the horrid cruelties of every *Indian savage*,
 of the highwayman, foot-pad, or hired assassin? The
 Earl of Suffolk stands forth the professed apologist of
 the heroes of Hounslow and Bagshot. He has out-
 .“berated Herod in declamation. General Burgoyne only
 says, that he thought “ the Indian alliances over-
 “ valued---their services sometimes insignificant,
 “ often barbarous, always capricious.” Specches,

"fully sensible of the constitutional zeal and
loyalty, which dictated those resolutions."

The

page 3. Lord Suffolk declares that "*it was a very wise and necessary step.*" p. 25. It was a favourite court measure, and originated from the Queen's Palace.

Lord Chatham said, "his Majesty [the *late King*] had too much regard for the military dignity of his people, and also too much humanity to have agreed to such a proposal had it been made to him." Page 96. Lord George Germaine in a letter to General Carleton, dated Whitehall, 26th March, 1777, declares, "*his Majesty [the present King] strongly recommends it to your care, to furnish both expeditious with good and sufficient bodies of those men, [Canadians and Indians.]*"

Boileau observes very truly,

Un-sot trouve toujours un plus sot, qui l'admine. Thus the dull *Suffolk* becomes an object of admiration to the duller *Bute*. That grave Scottish peer condemns in the lump the whole English ministry. He has no relish for the wit of Lord North, but he tells Sir James Wright that he finds Lord Suffolk *sufficiently serious*.

The epithet of *learned* given in the speech to Lord Suffolk can scarcely be read seriously, when it is recollected that his Lordship began to learn *French* after he became secretary of state. Our fathers were taught by Swift to say, *I know no more than my Lord Mayor.* This reproach on the city is now done away, for the common expression is, *I know no more than my Lord Suffolk.*

The most important of these *resolutions*, which were agreed to at Norwich, is the raising money by a *private subscription* for several avowed *public purposes* respecting the army. The subscribers not only gave liberally from their own purses, but promised to use their best endeavours, and to exert their utmost influence in that county and city towards carrying those *resolutions* into execution, contrary to what has been demonstrated to be the established doctrine of the constitution, that the crown cannot receive the money of the subject, for public purposes, but through the medium of Parliament. It ought surely, sir, to be the consent of the whole people by their representatives, not the partial benevolence of a few interested individuals. A few private disinterested men may imagine a favourite measure of their own to be a common concern of the state, while others make it a lucrative job for themselves and their dependants, by the gift or traffick of commissions, with the reversion of *half pay for life* entailed on the nation.

I confess, sir, that there is one circumstance with respect to the Manchester, Liverpool, and some Scottish regiments, which gives me pleasure. I rejoice that they are to be sent to Gibraltar and Port Mahon, to replace the Hanoverians; for I think not only the spirit of the constitution grossly violated, while the electoral troops of Hanover remain in possession of those fortresses, but the statute law of the realm may be evaded. In the “Act for the further limitation of the crown, and better securing the rights and privileges of the subject,” it is declared, “that all and every person and persons, who shall or may take and inherit the said crown, by virtue of the limitation of this present act, and is, are, or shall be, reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the Romish religion, or shall marry a Papist, shall be subject to such incapacities, as in such case or cases are by the said recited Act provided, enacted, and established.” We all remember, sir, a very near relation of the crown, the Hereditary Prince of Hesse, married to a daughter

of England, openly embracing the Romish religion. If a misguided prince could ever be so far perverted as to follow the religion, as well as the maxims, of the last Stuart King, and the Hanoverian troops should then be in possession of Gibraltar and Port Mahon, although the Crown of England would be forfeited, the Elector of Hanover might still secure the possession of those important fortresses, which belong only to the Imperial Crown of this realm.

I approve likewise the departure of those regiments on another account. I recollect what passed in the march of the Scottish rebel army southward in 1746. I shall be glad to hear of their absence, because I do not think an invasion of this country, at the present crisis, quite so chimerical a project as the conquest of America. I have read in the London Gazette, where truth was found in the last reign, a "List of rebel officers, in the *Manchester* regiment, taken at *Carlisle*," by the hero of *Culloden*.

I am aware, sir, that at the period, to which I have alluded, many *subscriptions* were carried

carried on, and regiments raised, without a previous application to Parliament. At the breaking out of that rebellion the legislative body was not sitting. A long prorogation in the Autumn had taken place, as usual. The capital of Scotland had surrendered to the rebels even before the Parliament could be assembled, and never was a more easy, or perhaps willing, conquest. The rebels were in full march into the heart of the kingdom. Every thing dear and valuable to Englishmen was at stake. Without the most vigorous exertions, the cause of public liberty must have sunk for ever. The greatness of the crisis called for those spirited measures, measures which could not be warranted in times of profound peace and public tranquillity. In this sense only ought the famous passage in Lord Hardwicke's celebrated speech to be understood. The first *law* of every state is the *salus populi*. When he as Lord High Steward passed sentence of death on the Scottish peers in 1746, he observed, "men of property, of all ranks and orders, crowded in with liberal subscriptions, of their own motion, beyond the

"examples of former times, and uncom-
"pelled by any law ; and yet in the most
"legal and warrantable manner, notwithstanding
standing what has been *ignorantly* and *presumptuously* suggested to the contrary."

He delivers the *dictum* with unusual and indecent warmth, with the furious zeal of a *convert*; for of this *ignorance* and *presumption* his Lordship had unluckily been himself guilty. A well known letter, which is still extant, from him to a gentleman in Surry, a near relation of a * worthy member, whom I see in his place, in the most express terms condemns all private *subscriptions* to the Crown for public purposes, as absolutely illegal. But, sir, I confess that I very little value the sentiments of *lawyers* in general on the great topics of government. We have indeed in this House three or four gentlemen of the law, of the most enlarged understanding, and extensive genius; but the common observation still holds good, that *lawyers*, of all professions, seem least to understand the nature of government in general. They are

like

* James Scawen, Esq; member for Surry.

like under workmen, who are expert enough at making a single wheel in a clock, but are totally ignorant how to adjust the various parts, or regulate the movement. A truly wise and deeply learned whig, Lord Hard-wicke's professed model, the great Chancellor Sommers, would not, I believe, have delivered such a doctrine as *law*. Yet, sir, in my humble idea, *those subscriptions* were not only justifiable, but meritorious, I will venture to say *patriotic*, for they tended to the salvation of the country. Perhaps, sir, after the extinction of that wicked, unprovoked, rebellion, we ought to have acted as we did in the case of the embargo on all ships laden with wheat or wheat flour in September 1766. The order of the King and council was certainly irregular, *illegal*, but it saved the people from famine, and therefore was sanctified by an Act of the whole legislature. The preamble of that indemnity bill says, "which order could not be justified by *law*, but was so much for the service of the public, and so necessary for the safety and preservation of his Majesty's subjects, that it

"ought to be justified by Act of Parliament."

I expect, sir, to hear it objected, that the present time is by no means a proper season for such a motion, as we are probably on the eve of a war with France, and the whole house of Bourbon. This objection will have no weight with me; for no man can be more zealous to strengthen the hands of government, even to strain every nerve of the state, in a just war against France, our ancient enemy, the common enemy of the liberties of Europe. I would however do it in a parliamentary way. I wish this House, in a good cause, to grant the amplest supplies against that ambitious, formidable, and encroaching power, although I think the present Ministers wholly inexcusable in being thus long duped by her ~~slimy~~ prettexts, and unmeaning verbal assurances. The message to this House of March 17 tells us, that the conduct of France is "contrary to the most solemn assurances, and subversive of the law of nations." Those *most solemn assurances* deceived none at the time but the credulous

court of England, and the Ministers on the other side of the House, who wished to be deceived. As to the *law of nations*, in my opinion it clearly justified the *late* conduct of France. I call on any gentleman, the deepest read in Grotius, Puffendorf, and the other writers on the rights of war and peace, and the *law of nations*, to prove from a single passage, that the French ambassador's late declaration is *subversive of the law of nations*. The *United States of America* were, at the conclusion of the late treaty, on a footing with all other states. They had by the most public acts, with a full chorus of applause from almost the whole northern hemisphere, asserted their *Independency*, of which they had at that time near two years *full possession*. The present conduct of France to America likewise receives the fullest justification from the former conduct both of England and France to Holland and Portugal, when they separated from the Spanish monarchy, and became *independent states*. We both went further than France has done in this instance. France and England at that time furnished entire regi-

ments, ships of war, ammunition, and all warlike stores, to the *revolted* subjects of the Spanish monarch. The immediate cause of complaint at the present period is only that France has concluded a treaty of *amity and commerce* with America. Is this an *unjust aggression* on England? Is this a just cause of hostilities on our side, and will it warrant the involving this country as well as France in all the horrors and calamities of war? France seems indeed to be taking a dreadful revenge on us, by securing to herself the commerce of America, as an indemnity for all she suffered during the last war; but in the treaty she has acted according to the *law of nations*. Yet, sir, if we must be forced into a war, I do not despise. With the same great Minister, who so gloriously conducted that war,

and

* This great Minister paid the debt to nature on the 11th of May 1778. On the same day we find by the *Votes of the House of Commons*, "The House being informed by a member in his place, that the Earl of Chatham died this morning;

Resolved, nemine contradicente,

That

and the same noble efforts in the people, I
should not doubt of equally brilliant success,
provided

" That an humble address be presented to his Ma-
" jesty, that his Majesty will be graciously pleased to
" give directions, that the remains of *William Pitt,*
" *Earl of Chatham,* be interred at the public charge;
" and that a monument be erected, in the Collegiate
" Church of Saint Peter's, Westminster, to the memo-
" ry of that excellent statesman, with an inscription
" expressive of the *public sense* of so great and irrepa-
" rable a loss; and to assure his Majesty, that this
" House will make good the expences attending the
" same."

His Majesty's answer was on the 13th by *Lord North.* It did not express the *royal sense* of, or the least
concern for, *so great and irreparable a loss* to the na-
tion, but coldly stated, " that his Majesty had com-
manded him to acquaint this House, that he will
give directions as desired by the said address."

The funeral was indeed public, but conducted with
so disgraceful parsimony and meanness, that the ene-
mies of Lord Chatham's fame considered it as an in-
sult from the Court on his ashes, after the *unanimous*
resolution of the Commons of Great Britain, and the
known sense of the nation. The language of the
Queen's House at the time was, *that a man would make*
his court very ill by attending Lord Chatham's funeral.
This hint sent half the courtiers into the country, and
confined the other half at home by *sudden illness.*

The late Earl was employed very little, and never
trusted, by the present King. Lord Bute's forbear-
ance in the beginning of this reign was indeed won-
derful,

provided we had peace with America, to whom
in no small degree we owe what share of
confi-

dential, for after his accession he suffered Mr. Pitt for several months to continue at the head of affairs. I suspect it proceeded from political timidity, and perhaps other arrangements not being fully settled. His removal was determined from the evening of the demise of the good old King, but the artful Scot employed all the low cunning of his character to bring it about as the spontaneous act of Mr. Pitt himself. In this he succeeded. The great Minister was overruled *with regard to measures to be taken against Spain*, and resigned Oct. 9, 1761. His measures were however adopted in a short time, and war was at last reluctantly declared against Spain the second of January following, but a glorious opportunity of making prize of the Galleons had been lost.

In the House of Lords Lord Chatham declared, that *when he was employed, his royal master appeared all grace, goodness, and condescension to him at every audience, and gave the warmest assurances of his powerful support and countenance to all his measures; yet every thing seemed hollow, and was made uneasy to him. He always found himself cruelly deceived, often betrayed, and declared that he had no scruple to assert, that there was some one about the court greater than the King himself.* In the House of Commons he had formerly described Lord Bute as *wanting wisdom, and holding principles incompatible with freedom.* In the February preceding his death he gave it under his hand, in the correspondence with Dr. Addington, that *Lord Bute had brought the King and kingdom to ruin.*

The

consideration we have among the powers of Europe. The navy of this country, which is it's surest bulwark, owes its greatness to our colonies, has grown with their growth, and strengthened with their strength; a navy which has ungratefully and barbarously laid their towns in ashes. Trade and commerce, the support of most nations, the chief care of the wisest, have derived their late vigour

and

The late testimony of Lord Bute in the same publication is very express in favour of Lord Chatham. He told Sir James Wright, “*Lord Chatham was one of the very few he had ever acted with in administration, who had shewn great honesty and generosity of sentiment, with a sincere conduct, and intention for the King’s and the public welfare.*” This evidence, given by his most infamous and concealed enemy, is remarkable; but the declaration at Madrid of a fair and open foe, of the Spanish Minister to the English ambassador in August 1761, not two months before Mr. Pitt’s resignation, is his noblest panegyric. General Wall observed, that at that time the Court of London was in the most flourishing and most exalted situation it had ever known, occasioned by the greatest series of prosperities that any single nation had ever met with. Lord Chatham lived to see all our glories pass away, England covered with shame and ridicule in the eyes of all Europe and America, above half her empire lost, the proud Gaul triumphing, and the King and kingdom brought to ruin.

and spirit from America. What dreadful commercial calamities have we suffered since the unhappy contest with her? If she joins the whole house of Bourbon against us, I shall begin to be alarmed for *our own independence*. At least the power and glory of England, which have not, till this fatal period, withered like a fair flower, nor been mowed by the scythe of all-devouring time, that strikes empires from their root, will be in danger of being cut off by the sword of her justly incensed offspring. We have been found unequal to the contest with America alone. A Congress worthy of Rome, while Rome was free, *tumidas contudit minas* of an insolent Minister, and the venal majority of a British parliament. All our Ministers, sir, have been grossly ignorant as to the real strength of that vast Northern Continent. Even the great man, who is now removed into the other House, delivered a very weak and ill-founded opinion here in the debate on the repeal of the accursed stamp act, that *the force of this country could crush America to atoms.* *The force of this country, aided by*

Heffians,

Hessians, Hanoverians, and all the other German mercenaries, has effected nothing, but unsoldier-like retreats, in three years. The united *force* of Europe, sir, *cannot crush America to atoms*, if we consider the natural strength of the various component parts of that immense continent. *Peace, Peace*, therefore with America ought to be our object. *Force* has been found as unavailing, as ill-directed.

I fear our conduct has cemented the union between America and France. Since the affair of General Burgoyne, and the French acknowledgement of their *Independence*, it cannot be supposed that the Americans will ever think of returning to a *Dependence* on this country. The experiment, however, sir, might be made, of endeavouring to detach the *United States* from France, by an acknowledgement of their *Independence*, and a league of more than *amity and commerce*, a *treaty offensive and defensive* with the mother country. The same religion, language, laws, love of liberty, the same common stock and progenitors, the *genus Latinum, Albanique patres*, a reciprocal

reciprocity of the important interests of commerce, all these might consolidate the base of a firmer, more compact alliance than ever yet was formed between two Empires. But alas ! perhaps these are only pleasing visions, mere phantoms of the imagination, unsubstantial mockeries, and the reality will be as obstinate and bloody war, so to be concluded possibly, even in this reign, in a farther dismemberment of the British monarchy. I heartily wish, sir, a war with France could be avoided. I know we are unprepared, and that the people have no confidence in government. They have even a horror of Ministers, who have lost more than half our Empire. The provocation of the day cannot justify a war. The treaty is only of amity and commerce with America, not of hostility against Great Britain, or any power. England, in my opinion, ought to have done what France has done. But has she, sir, acted *against us* in a manner to justify hostilities on our part ? Is the principle, or the policy, of our conduct quite ascertained to be just, wise, or expeditious ? An ignorant and incapable

inecapable set of Ministers have brought us into so disgraceful a situation, that we can neither proceed with safety, nor retreat with honour. In such contempt is this nation now held, that even Portugal, which was lately almost a province of this kingdom, looks down upon us with insolence.

Sir, the spirit of liberty is a spirit of jealousy. It ought to be more so than ever at the present sera, which seems peculiarly fatal to the cause of public freedom in Europe, while it is victorious in the Western world. Every man, who wishes well to the free English government, must be alarmed for its safety, when he reflects on the fate of the neighbouring nations, of the most considerable states. A late event ought always to be in the perspective of the true lovers of public liberty. The kingdom of Sweden, one of the freest monarchies in the world, has recently fallen under the galling yoke of despotism by the treachery and perjury of its King. The most solemn legal obligations, and explicit compacts, enforced, as it was supposed, by the most sacred sanction of oaths,

were

were found insufficient to secure the liberties of that brave people from the invasion of the military, at the instigation, and by the command, of a monarch, to whom every species of fraud and deceit seems familiar. No sovereign, in any age or country, ever made stronger and less equivocal promises to his people, cemented by all the holy ties of religion. The *speeches from the throne* always held out a profound veneration for the laws, an inviolable attachment to the established constitution. The pious hypocrite not only expressed his own abhorrence of arbitrary power, but declared that he would consider those as the worst enemies of his person and government, as the vilest traitors to their country, who should in any way, and under any pretence, seek to add to his power, or to introduce an unlimited authority in his person. He even pretended to think it his greatest glory to be the first citizen of a *free* country, and he asserted that to govern it *free* and independent was his highest ambition. He repeatedly with great parade reminded the Swedish Nation of the oaths he had taken

to them, and the excellency of the constitution, to which he was so religiously attached, while at the same time he was meditating the means of enslaving his people. By the assistance of the army he has acquired the most absolute and despotic power. According to the now form of government the States of Sweden cannot assemble but by the royal permission.

1.* From the LONDON GAZETTE of Sept. 5, 1772.

Stockholm, Aug 22. Yesterday being the day when the form of government, sworn to by the King, of the 29th of May, and by the states the 1st of June, was to be abolished, and a new one to be produced in a plenum plenorum of all the orders, a large detachment of guards was ordered to take possession of the square where the house of Nobles stands; and the palace was invested on all sides with troops, and cannon were placed in the court near the hall where the states were assembled.

The scene was opened by a speech from the throne: his Majesty had in his hand the silver hammet of Gustavus Adolphus, with which he made the signal for silence, an office usually performed by a senator, but none were present. His Majesty concluded his speech by assuring the plenum, that he did not desire the sovereignty, and would take a solemn oath to renounce it, which he immediately did.

His Majesty then ordered the new form of government to be read to them by a Secretary of revision.

(This

million. The King is to chuse the senate. They have no right to deliberate upon any thing but what the King pleases to lay before them. If the contributions are not granted within three months, the old are to remain. In cases of necessity the King may impose taxes, till the states are assembled. There would have been the necessity for this, if a ~~slavish~~ party among his own subjects had been willing and able by any private aids, Joans, benevolences, or Subscriptions, to put

it

This piece consists of above forty articles; the chief ones are,

1stly, The King is to chuse the senate himself.
2dly, His Majesty is to call the states together when he pleases, and to separate them also when he pleases, after three months.

3dly, The contributions are to be given by the states; but if not granted within three months, the old ones are to remain: *in case of invasion, or pressing necessity, his Majesty may impose some taxes for raising money till the states can be assembled.*

4thly, When the states are assembled, they are to deliberate upon nothing but what his Majesty pleases to lay before them.

5thly, His Majesty has the sole disposition of the army, navy, and finances, and of all employments, civil and military.

At his power to support a military establishment, and to raise new levies at his pleasure. He, as well as the sovereign of England, has the sole disposition of the army, navy, and all employments civil and military. The perfidious sovereign of Sweden, by the assistance of only a small part of the military, has enslaved his people, and made himself the absolute tyrant of a limited monarchy,

As soon as the whole of this piece was read through, His Majesty asked the plenam if they would give him their oath to observe this form of government; which being answered in the affirmative, he required them immediately to swear to it, which they did accordingly. His Majesty then required the Speakers of the respective orders to come to the table and sign and seal the new form.

After all this ceremony was over, the King stood up and said, that *it was proper to thank Almighty God for his assistance*, in bringing about so happy an event; and pulling a Psalm Book out of his pocket, he began to sing *Te Deum*, in which he was accompanied by the assembly.

His Majesty then permitted the states to kiss his hand, after which he left the room, and the states separated without knowing whether they were to meet again or not. This depends on his Majesty's pleasure.

in which he was *born and educated*, and whose constitution he was sworn to preserve *.

I know, sir, that in the important motion, which I have the honour of submitting to the House, I stand on the firm constitutional ground of English liberty, and the rights of Parliament.

* In the King of Sweden's speech at the opening of the diet on the 25th of June, 1771, he declared, "Born and educated among you, I learned from my early youth to love my country, to consider it as my greatest happiness that *I was a Swede*, as my greatest glory, that I was the first citizen of a free people--- to see this nation happy is my first object; to govern a free and independent people, the height of my ambition. Do not suppose these are vain words, contradicted perhaps by the secret sentiments of my heart. They are the true picture of a heart glowing with the most ardent love for glory, and for my country. A heart too honest to dictate what it does not feel, too proud ever to recede from an engagement." On the 28th of February, 1772, his Swedish Majesty solemnly confirmed by oath, and his signature, the twenty-four articles of the *Act of bond, or obligation to the people*.

Mr. Sheridan says, *the King who that morning [Aug. 19, 1772.] rose from his bed the most limited Prince in Europe, in the space of two hours rendered himself no less absolute at Stockholm, than the French monarch is at Versailles,*

Parliament. I therefore particularly claim and call for the support and assistance of those, whom I love and venerate, the real whigs, and friends of this excellent constitution. They are naturally jealous of every infringement on the peculiar privileges of this

I 3 House,

Versailles, or the Grand Seignior at Constantinople.
Page 300.

" Since the establishment of the late form of government in the year 1720, the Swedes had hitherto been held only *foreigners* on the throne, Frederic the First, and Frederic Adolphus." Page 255.

A history of the late revolution in Sweden, by Charles Francis Sheridan, Esq; of Lincoln's Inn, and Secretary to the British Envoy in Sweden, at the time of the late revolution.

The King of Sweden plainly copies the very expressions of the King of England; but every brave Englishman will exert himself that no King of England shall successfully follow the conduct of the King of Sweden. He was congratulated in the highest strains of flattery by the courts of France and England, which perfectly agreed in their joy on this victory over Liberty.

The French Gazette gave a false and partial account of this *inglorious revolution*, which was said to be *peu préparée*, and observed, " tout manquoit à sa Majesté Suédoise ; elle ne s'est pas manquée à elle-même ; sa prudence,

House, as the representatives of all the Commons. The fundamental rights of Englishmen have always been their peculiar care. Any accession of power to the dangerous influence of the Crown, without the sanction of Parliament, they must reprobate. In this case our very existence, as a legislative body, is brought into jeopardy. From every principle of duty to the free system of government under which we live, and even of self-preservation, this motion ought to be supported, and in consequence I hope for unanimity, when I supplicate the House, "that it leave be given to bring in a bill more effectually to prevent the dangerous and unconstitutional

"prudence, sa fermeté, son audace, disons mieux, sa
 "excellence a supplié à tout. Les sénateurs, assemblés
 "dans leur salle ordinaire étaient aux fenêtres lorsque
 "des officiers vinrent leur apporter l'ordre de rester
 "tranquilles dans l'appartement---ils voulurent répliquer,
 "mais leur pouvoir Aristocratique n'imposait
 "plus; ils durent obéir."

The present King of Sweden was in Paris at the time of his father's death, in February 1771. It is agreed that he planned in that capital the ruin of the liberties of his country,

"constitutional practice of giving, or granting,
 " money to the Crown, as a private
 " aid, loan, benevolence, or subscription,
 " for public purposes, without the consent of
 " Parliament."

VOTES of April 10, 1778.

The Lord North presented to the House (according to order) a "Bill for enabling his Majesty to settle on their Royal Highnesses the Princes *Frederick*, *bishop of Osnaburgh*, *William Henry*, *Edward*, *Ernest Augustus*, *Augustus Frederick*, and *Adolphus Frederick*, an annuity of sixty thousand pounds per annum; and also to settle on their Royal Highnesses the Princesses *Charlotte Augusta Matilda*, *Augusta Sophia*, *Elizabeth*, *Mary*, and *Sophia*, one other annuity of thirty thousand pounds per annum; and also to settle on his Highness the Prince *William Frederick* one other annuity of eight thousand pounds per annum, and on her Highness the Princess *Sophia Matilda*

"tilda one other annuity of four thousand
"pounds *per annum* ;" and the same was re-
ceived, and read the first time, and ordered to
be read a second time.

Mr. Wilkes said,

Mr. Speaker,

The *very title* of the bill, which the noble Lord with the blue ribband has just presented to the House, will give the truest pleasure to the friends of the Protestant succession. A Royal Family, already so numerous, is an invaluable addition to the national strength and importance. Every Englishman, who is at heart anxious not only for the permanent, but the perpetual, preservation of our liberties in the august line of Brunswick, must now enjoy the highest satisfaction. The alarming fears, which our ancestors at various periods experienced, from a suspicion of the failure of succession to the Imperial Crown of these realms, are not likely to disturb their posterity. We live in happier times. The gratitude of this House to her

Even increases every year, with the fortunately prolific, annual increase of the Royal offspring *. We triumph in those indearing pledges of our monarch's love, and the public felicity, which an all-bounteous Providence continues to bestow on this peculiarly favoured nation. The kingdom at large contemplate with rapture his Majesty's numerous, and still, I hope, increasing progeny, as insuring even beyond our children's children, to the *nati natorum, et qui nascentur ab illis*, the blessings and glories of his reign. It is the duty of his *faithful commons* here to do more, to provide for them in a manner adequate to their exalted birth and royal dignity.

The message, sir, from the crown points out to us the provision, and the mode of it, which is desired. I give my hearty consent to the grant. It will be a grant worthy of
the

* In the same session, by the votes of Nov. 21, 1777, it appears that the House "resolved, that a congratulatory message be sent to the Queen, on the birth of another Princess---to assure her Majesty, that this House will ever retain the truest sentiments of duty and attachment to a Queen---to whom this nation owes so many blessings."

the English nation, worthy of the great personages, in whom we have now so important an interest. *Hereafter* I trust we may claim a share of their future fame and glory. Yet, sir, I regret, that it is not made a certain provision for them during his Majesty's life, and the Duke of Gloucester's, as well as during the life of the Prince of Wales, or the successors of the reigning monarch. It is only to take effect after the demise of the crown, and on the death of the Duke of Gloucester. Sir, if I understand the bill in your hand, it compels the Prince of Wales to grant out of the hereditary revenues of the crown the annual sum of 60,000l. to the King's sons, 30,000l. to his daughters, and 12,000l. to the children of the Duke of Gloucester, during their respective lives, but no permanent provision is made for them during the present reign, or the life of the Duke of Gloucester. The bill effectually ties up the hands of the successor, but leaves the Prince on the throne the option of any provision for the children and other very near relations of the crown during the life of his present Majesty;

justify, and his next brother. I desire to be set right, if I have misstated the bill, which has just been read to the House.

[Lord North said, "the honourable gentleman is certainly right. The King will not be obliged to make any provision by this bill for any part of the Royal Family, during his own life and that of the Duke of Gloucester." Mr. Wilkes then added,]

I submit, sir, to the House, that in this respect the bill is imperfect. The provision for the younger branches of the Royal Family is not an immediate certain provision, but to take effect at a distant period. They are left at the present moment without the smallest fixed revenue, or support, independent of the crown. The sovereign makes no grant, but we are taking away, without his consent, during his minority, a part of the hereditary revenue of the Prince of Wales, for the future maintenance of his brothers, sisters, and the more remote branches:

The example of this generosity is not given by the father and the sovereign to his first subject, although it comes in the mode
of

of a paternal precept. We leave them now in a state of the most absolute dependance on the crown, on the caprice of the sovereign, or perhaps the mercy of the Minister. The bill therefore, in my opinion, ought to be extended to a settlement of the same revenues to take place *immediately*, and to be secured by the fullest parliamentary grants irrevocably. The strong ties of blood in the first degree must in this case coincide powerfully with the wishes of the people. I may surely, sir, leave in all safety to the servants of the crown so acceptable a service to the best of princes and of parents.

A circumstance, sir, of the utmost importance seems on this occasion to have been entirely neglected by Ministers. It is remarkable that the children of his Majesty's next brother, the Duke of Gloucester, are recognized and provided for by this bill, before there has been a notification in any way to Parliament, or to the public, of his Royal Highness's marriage. I have not, sir, the least doubt of the legality of that marriage, but I know that strong doubts have formerly been entertained,

entertained, even by some of the present Ministers. The noble Lord with the blue ribbon is as ill informed on this subject as he has been all along respecting America, when he ventures to assert, that no man *now* has the least *doubt* remaining. In consequence of the general uncertainty in the minds of the nation a very few years ago, the Privy Council entered upon the enquiry of the legality of the Duke of Gloucester's marriage. They received evidence, which it is reported, satisfied them ; but as that evidence has never been communicated to the public, a degree of scepticism I know has continued. I wish it removed. It will be undoubtedly, when Parliament shall be treated by Ministers with respect, when the great council of the nation shall be furnished with the proofs, which flashed conviction on the minds of the Privy council. The representatives of the people, sir, have surely a right to examine every thing respecting the succession to the Imperial crown of these realms, because they, in conjunction with the other two branches of the legislature, have by an express

pres * Act of Parliament the power to make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof. The maintaining the contrary doctrine by writing or printing is declared a species of *high treason*, and whatever slavish positions of † hereditary, divine, indefeasible

right

* 6 Anne, ch. viii. s. 3.

† It is necessary sometimes to remind the tools of an arbitrary court, that there can be no right to the Imperial crown of these realms but a parliamentary right. The mere hereditary right would be stronger in the house of Savoy, and even in that of Bourbon, than in the Brunswick line. This will appear from the following short genealogical table.

1.		2.
Charles I.		James I.
2.		3.
Henrietta Maria, Duchess of Orleans.		Elizabeth, Electress Palatine, Queen of Bo- hemia.
3.		3.
Anna Maria, Duchess of Savoy, wife of Victor Amadeus II. protested in 1700. <i>House of Savoy.</i>		Sophia, Electress of Brunswick. <i>House of Brunswick.</i>
4.		4.
Marie Adelaisde, Duchess of Burgundy, afterwards Dauphiness.		George I. <i>House of Brunswick.</i>
5.		
Louis XV. <i>House of Bourbon.</i>		If

right may be adopted in despotic countries, and by modern courtiers here, the people of England in general consider their crown as the free gift of the nation, and on their own terms and conditions *. We know that the British crown is not in the gift of the reigning prince.

If the *Parliament* had not changed the order of succession to the crown, the House of Savoy would have succeeded, for their right is derived from the daughter of Charles I, whereas the Brunswick line are descended from the daughter of James I, a degree more removed. The gift of the crown is in the Parliament, in the people by their representatives.

* The first King of the House of Brunswick appeared to acknowledge this with gratitude, when he took for the motto of his coronation medal, *Patenas per pippulos*. - The motto of the present King, *Patria ovanti*, was not so happily chosen. The *Ovation* is described as the smaller *Triumph*, of which the poor sacrifice was a *Sheep*, *Ovis*. It should seem almost prophetic of the American war, for Aulus Gellius tells us, "*ovandi; ac non triumphandi; causa est, quoniam aut bella non rite indicta, neque cum justo bofie gesta sunt.*"

At the *Ovation* a crown of *myrtle*, not of *laurel*, was used. The same learned Roman says, "quod non *Martius, sed quasi Venerius* quidam triumphus foret." This too may seem prophetic of the present reign, and of the numerous royal progeny.

prince. He is only *tenant for life*, if he observes the original compact.

The people, sir, in consequence, possess the right to be informed of whatever respects the succession. All we know as to the marriages of the King's brothers amounts to this, that they were private and clandestine, and that no proof of their legality has hitherto been given to the nation. The proofs of those marriages ought to be communicated to the two Houses of Parliament, while the parties are still alive, and the witnesses with us to be examined. The facts may now be ascertained with precision. If any *doubts* have been suggested in this age, they may be removed by those living witnesses, to whom no recourse can be had in succeeding times. I regret that there are so many *historic doubts* in our history *. Posterity has this just claim on the present generation, that our fields may

not

* Mr. Horace Walpole published in 1762, an excellent Quarto, intituled, *Historic Doubts on the Life and Reign of King Richard the Third*. The intent of this speech seems to be the prevention of all *historic doubts* on the events of the reign of George the Third. Mr. Walpole

not be again deluged with the blood of a brave people in a fatal civil contest. Should the smallest degree of scepticism now exist, the progress of it, if not timely checked, is known to be rapid, and it will acquire strength even from the general destroyer, Time. The fullest light ought now to be thrown on a transaction hitherto covered with clouds and darkness.

This enquiry, sir, I likewise consider as a point of national honour and justice to several foreign princes, who are allied by marriage to the crown of Great Britain. The House of Nassau, to whom we owe the restorer of our violated constitution, the King of Denmark, the Princes of Brunswick and Hesse, and others of the Protestant line, are equally in the parliamentary entail of the crown. They will think that we are pro-

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ceeding

Walpole says, page 40, "the doubts on the validity of Edward's Marriage were better grounds for Richard's proceedings than suspicion of his mother's honour. On that invalidity he claimed the crown, and obtained it; and with such universal concurrence, that the nation was undoubtedly on his side."

ceeding in a very irregular manner, when we make settlements on the children of the King's next brother, as legal heirs of the crown after the children of the King, before the marriage of his Royal Highness has been publickly recognized.

Sir, in this bill I should have been happy if there had been a clause respecting her Royal Highness the Duchess of Gloucester, for whom no establishment is mentioned, although the Bill contains a provision for her two children. The honour of the nation, and the splendor of the British Crown, call upon us to proceed to ascertain an adequate provision during life for the wives of the Royal Brothers. It would have naturally taken place in a bill of this nature; consecrated to the Brunswick line, the elect of Heaven, and the people, as the protectors of our liberties, if ministers had adopted the same liberality of sentiment, which pervades the nation. Is this Parliament, sir, doomed to counteract the wishes of a whole kingdom? or is it meant to attempt the subjecting every branch of the Royal Family to the

front

same servility, which has characterized the present majority in this House?

There is not, sir, a private gentleman among us, who has not painful ideas from the precarious situation of the two Royal Dutchies, almost unparalleled in any family of distinction. They have still to expect, from the merited esteem of the nation, an establishment adequate to their high rank, and the additional lustre it has received from their unexceptionable, I might say exemplary, conduct. I hope such a provision will be made, and I am very happy that the worthy * Baronet near me has given the House assurances of his moving it in Parliament, if it continues to be neglected by administration. The motion will come from him with weight and dignity, nor can there be a doubt of his generous endeavours being crowned with success.

To facilitate, sir, so important a business, the previous step I have mentioned seems necessary. Every communication ought to be

* Sir James Lowther, Baronet, member for Cumberland.

made to parliament, which can elucidate a matter at present obscure, that we may know the sure grounds on which we proceed. We shall then be in possession of those clear proofs alluded to, without which I do not think we can with propriety enter upon that clause of the bill in your hand, sir, which respects the descendants of the Duke of Gloucester. I therefore hope, sir, for the concurrence of the House in a motion for "an humble and dutiful Address to the King, that his Majesty would be graciously pleased to order the proofs of the marriage of their Royal Highnesses the Dukes of Gloucester and Cumberland, to be laid before this House."

The motion was seconded by Lord Ingham, member for Stockbridge, but withdrawn on the request of sir James Lowther. Notwithstanding the importance and dignity of the whole business, it was hurried by administration through both houses, with a precipitation indecent with respect to Parliament, and not very honourable to the several illustrious persons, who were the objects of the bill. Lord North delivered the message

from

from the King on the 8th of April. A bill was ordered to be prepared and brought in on the same day. The bill appeared in the House on the 10th, Friday; was read a first and second time, and committed. April 13, Monday, the House resolved itself into the committee, went through the bill, received the report of the committee, and ordered the bill to be engrossed. The bill was on April 14 read a third time, passed, and sent to the Lords. April 15, the Commons received a message from the Lords, by the Lord Chief Baron Skinner and Mr. Baron Hotcham, that the Lords had agreed to the bill. On the 16th of April, the eighth day only after the message of the crown, the bill received the royal assent.

VOTES OF MAY 26, 1778.

A Motion was made, and the Question being put, "that this House will now resolve itself into a committee of the whole House to consider the state and condition of the

" army which surrendered themselves prisoners, on convention, at Saratoga in America; and also by what means Lieutenant General *Burgoyne*, who commanded that army, and was included in that convention, was released, and is now returned to England;"

It passed in the negative.

The motion was made by Robert Vyner, Esq; member for Lincoln. He stated a variety of questions, to which he desired answers from General Burgoyne. Sir Henry Hoghton, General Burgoyne's colleague at Preston, proceeded to put several other questions, when he was interrupted by the Speaker, who observed, that the motion had not yet been seconded. A silence of a few minutes ensued.

Mr. Wilkes then rose, and said,

Mr. Speaker,

I rise to second the motion of the honourable gentleman, but I confess that I am not a little embarrassed as to the mode of our proceeding on this singular business. I entirely approve the motion as far as it goes, and

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and will give it a firm support. At the same time I declare that I think it too narrow, and that it ought to be amended and enlarged by some general words, which would comprehend all the transactions of the northern army in America during the last campaign, prior to the affair of Saratoga. I believe that I am not at liberty both to second the motion, and to propose an Amendment. I submit to you, sir, the point of order. I rejoice that the honourable member is now among us, for I hope to obtain from him *that* information, which Ministers have denied to this House. I think *that* information ought to include every transaction of moment from the General's leaving Europe to his embarking from America. Truth will, I am persuaded, at length reach the public ear. I do not, however, sir, in this fair and full historical detail mean to include a relation of the military operations of the last campaign. The House may not be competent to a decision on those subjects. But, sir, I would go much farther than the honourable gentleman, who made you the motion. I would closely pur-

See the steps of those, who with undivided
spirit invaded America. A nice sense of na-
tural honour calls upon us to enquire into
the causes of the loss of an entire British army
by a disgraceful capitulation, into the
particulars of the treaty with the savages,
their conduct during the campaign, the im-
posed cruelties, and particularly the setting
fire to villages and houses of the country
people, without any apparent necessity from
military motives. These important considera-
tions, with many others, are not comprehended
in the motion of the honourable gentle-
man.

Sir, I desire it may be understood that I
do not rise to bring a charge against the
commander in chief, but, as a public man,
to ask that information, which can best be
had from an intelligent officer of high rank,
just returned from the great scene of action.
I am sure he will most willingly give it to
the House. Every gazette of Europe and
America has published the disgrace of our
arms at Saratoga, the ignominious terms
of the convention, the charges of frequent
murders

massacres of the defenceless inhabitants, and the wanton devastation and burning of the country by the British troops. I am entitled to the General's thanks for assisting in giving him this long-wished opportunity of clearing up many particulars confessedly perplexed and intricate, of justifying himself, and others, under the charges, which have been exhibited, at the bar of the public, by half the printed papers of almost the last twelvesmonth. His delicate feelings will always respect the opinion of his country, and he will listen with attention to the voice of the people, possessing an undoubted right to scrutinize his conduct as well as that of every man in their service, and the *military servants of the Crown* mentioned in the *proclamation*. I should rejoice that the unhappy impression made on the minds of men by that *proclamation* issued by the general last June from the camp at Putnam Creek was done away. It bears his name, and is, I believe, avowed. The candid part of the world will be anxious to have the same clear evidence of his wise conduct and humanity in

in North America, which he often gave there of an active spirit, and great personal bravery. It would ill become me, sir, on this momentous occasion to take up more of your time. The impatience of the House is highly raised, and justly excited, by objects of infinite consequence, and cannot fail of being compleatly gratified.

The Hon. Charles James Fox, member for Malmesbury, proposed an amendment by inserting, after *consider*, the words, "of the transactions of the northern army under Lieutenant General Burgoyne, and of," The motion for the amendment was seconded by Thomas Powys, Esq; member for Northamptonshire.

Sir William Meredith, member for Liverpool, late Comptroller of his Majesty's Household, said that the honourable gentleman [Mr. Wilkes] had criminated in a cruel manner an unfortunate general, and made use of injurious and unbecoming expressions against an officer of distinguished merit, who had ventured his life in the bravest manner on many occasions.

Earl Nugent, member for St. Mawes, declared that there was not the least blame anywhere in his opinion, but a series of unexpected events, which were the fortune of war, that every thing respecting the charge of inhumanity, or cruelty, or unsoldierlike treatment, was merely a *vague report*, that he had read every thing published on the occasion, and would assert that not a single paper, or letter, of authenticity, had appeared to justify any harsh expression against the commander in chief of the army, which capitulated at Saratoga.

Mr. Wilkes replied,

Mr. Speaker,

I am on this occasion merely the echo of the public voice. I have made no personal attack on the commander in chief, nor undertaken to support any charge against him. Measures, and not persons, I desired minutely to investigate and examine; and the epithets, which I employed, were to the facts and events not controverted. I suppose it will be admitted, that the conven-

tion

tion in 1777 at Saratoga was more disgraceful than the capitulation at Closter Seven in 1757, because the troops in Germany kept their arms.

I have not proceeded, sir, at any time on *vague report*. I referred to authentic ~~papers~~^{speeches} published by order of the Congress, ~~and~~^{and} to other state papers of unquestionable authority, which demand the most serious attention, and nicest scrutiny. The memory of the noble Lord, who spoke last, must either be very confused, or his reading very confined.

General Burgoyne then in a long speech went into a full state of his conduct the last year in North America. His voice was on that day weak, and not distinct. Many gentlemen near him lost some entire sentences, and the conclusion of most periods. But he has since given the public "the substance of General Burgoyne's speeches on Mr. Vyner's motion, on the 26th of May, and upon Mr. Hartley's motion, on the 28th of May, 1778."

In this publication he has melted down, and reduced into one, the two speeches on the 26th of May. The reason is given in a note to page 8. " This part of the speech " included between crotchetts, was omitted at the time of the preceding and following parts, and delivered separately upon a second call of Mr. Wilkes; but is now inserted in its proper place, as better connecting the whole matter spoke to by General Burgoyne." After General Burgoyne's first speech,

Mr. Wilkes said,

Mr. Speaker,

The honourable gentleman has given us a good deal of the ancient Roman history, but overlooked two or three important questions relating to very modern transactions, and our own history. I wish, sir, an answer to the charge I have repeatedly read of the burning villages and houses, and the wanton destruction and devastation of property, during the progress of the northern army under his command.

One

One word, sir, before I sit down, on what is stated by the honourable gentleman, as an event in the Roman history similar to the affair of Saratoga. A considerable Roman army was shut up by the Samnites at the *Furca Caudinae*, obliged to capitulate, and with their general to pass *under the yoke*. So far is retailed out to us, but the sequel of the transaction is not mentioned. I shall give it briefly to the House. Early in the following year, the Dictator Cornelius Lentulus put himself at the head of *the same Roman legions*, and gave the Samnites a total overthrow. It was no article of the capitulation at *Caudium*, that the *same troops* should not serve again *against the same enemy*. The Samnite general, Pontius, was the very next year after the affair of the *Caudine Forks*, with the whole Samnite army, forced by the Romans to pass *under the yoke*, unarmed, with only one garment each, that the former ignominy might be retaliated by the same troops on the same enemy. The high Roman spirit soon made a conquest of the whole country

country of the Samnites, afterwards of Italy, of the world.

The question was put on the amendment, when the numbers were, 95 for the amendment, against it 144. No division took place on the motion of Mr. Vyner.

General Burgoyne, in his publication, has passed the highest compliments on Major General Gates, and on Major General Schuyler, commander in chief of the northern department, whose family treated him with every possible demonstration of hospitality.

Speeches, p. 10.

In the "Trial of Colonel David Henry," published by General Burgoyne, he tells the court martial of "the very honourable treatment shewn us by General Gates." Page 57. Let us now hear the charges brought by these two American Generals, *Gates* and *Schuyler*, against General *Burgoyne*, and other British officers. In a letter to his Excellency John Hancock, Esq; President of Congress, dated "Head quarters, Aug. 28, 1777," General Gates says, "The horrid murders and scalp-

" ings,

"ings, paid for and encouraged by Lieutenant General Burgoyne, previous to his defeat at Bennington, will for ever stain the honour of the British arms. In one house, the parents, with six children, were most cruelly butchered; and this polite macaroni paid ten dollars for each of their scalps. Heaven has, I hope, in store, some punishment for such unheard of crimes."

American Remembrancer, Vol. V. p. 444.

The *American Remembrancer* is an historical collection of the London Gazettes, the resolutions of Congress, authentic letters, and all papers of authority relative to the grand American dispute.

In Major General Gates's letter to General Burgoyne, dated "Head quarters of the army of the United States, Sept. 2, 1777," it is said, "I am astonished you should mention inhumanity, or threaten retaliation. Nothing happened in the action at Bennington, but what is common when works are carried by assault.

" That

" That the savages of America should, in
 " their warfare, mangle and scalp the un-
 " happy prisoners who fall into their hands,
 " is neither new nor extraordinary ; but
 " that the famous Lieutenant General Bur-
 " goyne, in whom the fine gentleman is
 " united with the soldier and the scholar,
 " should hire the savages of America to scalp
 " Europeans, and the descendants of Euro-
 " peans ; nay more, that he should pay a
 " price for each scalp so barbarously taken,
 " is more than will be believed in Europe,
 " until authenticated facts shall, in every
 " Gazette, confirm the truth of the horrid
 " tale.

" Miss M'Rea, a young lady, lovely to
 " the sight, of virtuous character, and ami-
 " able disposition, engaged to an officer of
 " your army, was, with other women and
 " children, taken out of a house near Fort
 " Edward, carried into the woods, and there
 " scalped and mangled in a most shocking
 " manner. Two parents, with their six
 " children, were all treated with the same
 " inhumanity, while quietly residing in

" their once happy and peaceful dwelling.
 " The miserable fate of Miss M'Rea was
 " aggravated by her being dressed to receive
 " her promised husband, but met her mur-
 " derer employed by you. Upwards of 2
 " hundred men, women, and children, have
 " perished by the hands of the Russians, to
 " whom, it is asserted, you have paid the
 " price of blood. The late Colonel Baumit
 " servant, who is at Bennington, would
 " have come to your Excellency's camp ;
 " but when I offered him a flag, he was
 " afraid to run the risque of being scalped,
 " and declined."

American Remembrancer, Vol. V. p. 455.

General Burgoyne acknowledged, that he
 obliged the Indians to deliver the murderer into
 his hands, upon the first intelligence of this crime;
 but we are ignorant of the terms on which
 the murderer obtained a pardon. The Cle-
 negal too closely copies the example of his
 Royal Master. The murderer did not suffer
 an ignominious death. Is not that murder yet
 unpunished? The fate of the unfortunate

Miss

Miss McRea is almost the American *sacrifice of Iphigenia*, according to the wonderful description of the tender and pathetic Racine, which harrows the soul with terror.

Un prêtre, environné d'une foule cruelle,
Portera sur ma fille une main criminelle,
Déchirera son sein, et, d'un œil curieux,
Dans son cœur palpitant consultera les Dieux.

Iphigénie en Aulide.

In General Gates's "General orders, issued on the 6th of September, 1777," it is said, " If the murder of aged parents, with their innocent children ; if mangling the blooming virgin and inoffensive youth, are inducements to revenge—if the righteous cause of freedom, and the happiness of posterity, are motives to stimulate them to conquer their mercenary and unmerciless foes, the time is now come, &c. &c." Vol. V. p. 459.

In a letter from Major General Gates to General Burgoyne, dated at Saratoga, Oct. 11, 1777, we read, " the cruelties which

" mark the retreat of your army, in burning
 " the gentlemens and farmers houses as they
 " went along, is almost among civilized na-
 " tions without a precedent; they should
 " not endeavour to ruin those they could
 " not conquer; this conduct betrays more
 " the vindictive malice of a Monk, than the
 " generosity of a soldier."

American Remembrancer, Vol. V. p. 461.

The following instance of public virtue in Major General Schuyler ought to be given for the noble example. It will exceedingly astonish General Burgoyne, Sir William Draper, and some other British officers. Lord Beauchamp, one of the Lords of our treasury, will absolutely protest, that it is not hardly possible. Buckingham house will employ Sir John Dalrymple to contradict it from "original papers in the Dépot at Versailles, " the King's Box, and letters in Doctor North's collection, which the Doctor will again be so good as to shew him," and every courtier will affect to believe that Schuyler was a pensioner of, and received that money from, France.

" In

" In Congress, May 3, 1777.

" The committee upon the *Treasury* re-
" port,

" That the commissioners for settling the
" accounts of the army in the northern de-
" partment have produced to the *Treasury*
" Board, among other accounts adjusted by
" them, a general account of the receipts
" and disbursement of Major General *Schuyl-*
" *er*; and a separate account of the dispo-
" sal of specie remitted to him by Congress
" and otherwise, for carrying on the military
" operations in Canada. That the last
" mentioned account has, at General *Schuyl-*
" *er's* immediate request, been examined by
" the Board of *Treasury*, with the several
" vouchers; that it appears to this Board,
" that before General *Schuylер* was supplied
" by Congress with any specie at all, he sent
" into Canada, for the public service, more
" than 3250 dollars in specie, that he sent
" such farther sums in specie into Canada,
" raised on his private credit, that when the
" army retreated from thence, he was in ad-

" vance upwards of the value of 10,000
 " dollars in specie above what he had been
 " supplied with by Congress--that to recompense
 " his friends, who had lent him the
 " said specie, he, after his retreat from Cana-
 " nado, drew out of the military chest sever-
 " al sums in specie, with which it was sup-
 " plied after such retreat; but that he re-
 " mains, upon the final settlement of the
 " said account, in advance for the public in
 " specie, upwards of the value of 3250 dol-
 " lars more than he ever received in specie,
 " having taken continental money in pay-
 " ment thereof. That it further appears
 " from the said account and vouchers, that
 " none of the specie supplied to him by Con-
 " gress before the retreat from Canada re-
 " mained in his hands more than two days, the
 " same being delivered over to the deputy
 " Paymaster General.

" Resolved,

" That the said Report be accepted, and
 " that the same be published.

" Extract from the Minutes,

" Charles Thomson, Secretary,
 " American Remembrancer, Vol. V., p. 281.

The Russells, Hampdens, and Sydenys, will look down from heaven with rupture on such public American virtue, on the Washingtons, Schuylers, and Gates's, while they turn indignant from degenerate Britain.

" By Philip Schuyler, Esq;

" Major General in the army of the United States of America, and commander in chief of the Northern department.

" To the inhabitants of Castleton, of Hubberton, Rutland, Tinmouth, Powlet, Wells, Granville, with the neighbouring districts; also the districts bordering on White Creek, Cambridge, Cambridge, &c. &c. &c."

" Whereas Lieutenant General John Burgoyne, commanding an army of the British troops, did, by a written paper, by him subscribed, bearing date at Skeneborough House, on the 20th day of July instant, require you to send from your several townships, deputations consisting of ten persons or more from each township, to

" meet Colonel Skeens at Castle-Town, on
 " Wednesday, July 15th, at ten in the mor-
 " ning, for sundry purposes in said paper
 " mentioned, and that you were not to fail
 " in paying obedience thereto, under pain of
 " military execution. Whatever, my coun-
 " trymen, may be the ostensible reasons for
 " such meeting, it is evident the enemy
 " mean to prevail on you, by threats and
 " promises, to forsake the cause of your in-
 " jured country; to assist them in forcing
 " slavery on the United States of America,
 " and under the specious pretext of afford-
 " ing you protection, to bring on you that
 " misery, which their promises of protection
 " drew on such of the deluded inhabitants
 " of New-Jersey, who were weak enough
 " to confide in them; but who soon experi-
 " enced their fallacy, by being treated indif-
 " criminateley with those virtuous citizens
 " who came forth in the defence of their coun-
 " try, with the most wanton barbarity, and
 " such as hitherto had not even disgraced Bar-
 " barians. They cruelly butchered, without dis-
 " tinction to age or sex; ravished children from

" ten

" ten to women of eighty years of age ;—they
 " burnt, pillaged and destroyed whatever came
 " into their power ; nor did those edifices dedicat-
 " ed to the worship of Almighty God escape their
 " sacrilegious fury. Such were the deeds ; such
 " they were incontestibly proved to be, which
 " have marked the British arms with the
 " most indelible stains, &c. &c. &c."

Given under my hand at Head quar-
 ters, Fort Edward, July 13th, 1777.

PHILIP SCHUYLER.

By the General's command,

HENRY B. LEVINOSTON, A. D. C.
 American Remembrancer, Vol. V. p. 443.

I will not multiply proofs. The fifth and sixth volumes of the American Remembrancer contain numberless.

Can we now be surprised at what General Burgoyne declared on Colonel Henley's trial, page 133. " This is but one of several instances that might be selected from these proceedings, to shew the degree of rancour to which the minds of the American soldiers were excited ;" but what follows can

can only be a fine stroke of Indian eloquence to prove the powers of the pen of the General,
 " Children that had scarcely left the taste of their
 " mother's milk, grew athirst for blood." Is this the calm, temperate accuser of the impetuous Colonel Henley? What a candid insinuation to a court martial about a prisoner on his trial, is that remark in page 69,
 " from the 19th of December, the hands of
 " Colonel Henley were *unimbrued in blood*
 " till the 8th of January!"

General Burgoyne says in page 6th of the *Speeches*, " the proclamation, which the ho-
 " norable gentlemen, [Mr. Wilks] in my
 " absence treated with so lavish terms, I
 " avow, was penned by myself. The de-
 " sign was to excite obedience, first by en-
 " couragement, and next by the dread, not
 " the commission of severity— " to speak
 " *daggers*, but use none." *Daggers* and
fuwards are fair and honourable weapons
 against domestic tyrants and foreign foes;
 but what can justify the cruelties of the
skipping knife and *tomahawk*? Were our Indian
 allies provided with *daggers* and *fuwards*, or
 with

with scalping knives and tomahawks? Is this just and Christian warfare? General Burgoyne declares that he meant "the dread, not the commission of severity." His words excited the savages to every horror. The Indians acted under that proclamation, alleged the orders of a British General in the King's name, and held themselves justified in "the commission of severity" and cruelty.

Lancaster, Nov. 20, 1777.

"The surrender of General Burgoyne and his whole army will determine all the Indians, who, under the British influence, were massacring the frontier inhabitants, to sue for pardon and peace. The tribe of St. Francis, on the borders of Canada, have already desired protection."

American Remembrancer, Vol. VI. p. 101.

It is justice to General Burgoyne to observe that in his letter to Major General Gates, of Sept. 6, 1777, he says, "Your intelligence, respecting the cruelties of the Indians, is false, except in the above instance,"

"instance," [of Miss M'Rea.] American Remembrancer, Vol. V. p. 457. The capitulation at Saratoga was Oct. 17, 1777. I do not find however that General Gates has retracted any of the charges, which he brought against General Burgoyne.

The *proclamation*, drawn by the humane pen of General *Burgoyne*, boasted " of the " messengers of wrath waiting his enemies in " the field, devastation, famine, and every " concomitant *horror*." One should suspect that what is related of *Plate* really happened to General *Burgoyne*, that a swarm of bees fixed on his lips in his cradle, as a pre-sage of the sweetness of his elocation. He speaks of " giving stretch to the *Indian* forces " under his direction, and they amount to " thousands, to overtake wherever they may " lurk, &c. &c. &c." In the " Speeches," p. 3, it is said, " the employment of them " [the *Indians*] was *only justifiable*, when by " being united to a regular army, they could be " kept under controul." The Congress in the " Address to the inhabitants of the " United States of America, May 9, 1778," declare,

declare, “the rule of warfare [*with the Indians*] is promiscuous carnage, who rejoice to murder the infant smiling in its mother’s arms, to inflict on their prisoners the most excruciating torments, and exhibit scenes of horror from which nature recoils.” Mr. Wilkes was therefore justified when he declared, that the *proclamation* of General Burgoyne was “shocking to a civilized and generous nation, and, as a state paper, disgraced our country.” Attron’s Parliamentary Register, Vol. VIII. p. 10. and in a subsequent debate, that “no man, who has read that *proclamation*, and Major General Gates’s letter, will shed the tear of pity over the misfortunes of Mr. Burgoyne,” p. 135. General Burgoyne in his Speeches, page 7, says, “His *proclamation* served to procure him respect and acknowledgment whenever he afterwards travelled through the country.” In the “Address of the Congress to the inhabitants of the United States of America,” it is said, “A General, who calls himself a Christian, a follower of the merciful Jesus, bath

" hath dared to proclaim to all the world his
 " intention of letting loose against us whole
 " hosts of savages, whose rule of warfare is
 " promiscuous carnage, &c. &c." In Con-
 gress May 9, 1778, Resolved; "That it be
 " recommended to ministers of the gospel, of
 " all denominations, to read, or cause to be
 " read, immediately after divine service, the
 " above Address to the inhabitants of the
 " United States of America, in their respec-
 " tive churches and chapels, and other
 " places of religious worship." Published by
 order of Congress.

CHARLES THOMSON, Secy.

Lord George Germaine has informed:
 mankind from whom the idea of making
Indian savages serve with the British troops as
followers-soldiers originated. General Burgoyne's
 own nature is certainly wildness, brutality,
 and courage, but he has been in very bad
 company. His sentiments in February 1775,
 were well expressed by himself in the first vol-
 ume of the *Parliamentary Debates*, pages
 250, 251, but since I suspect that his pride
 of

of mind is departed, and his slumbers are often disturbed

With screaming *bitter's* funeral cry.

GRAY.

He said, “ Let every action of the unhappy conflict be directed and marked by that temper which ever ought to discriminate the correction of the state from the sudden and impetuous impulse of passion and revenge.” He had not then been personally to his Majesty in his closet, nor humbly laid himself at his Majesty’s feet for such active employment as he might think him worthy of, as he mentions in his letter of Jan. 1, 1777, he had *a few days ago*. Is it possible that the same man, who was inspired with such noble sentiments in 1775, could in 1777, in the King’s name, issue a proclamation, purposed by himself, in which he talks of giving a stretch to the Indian forces, of executing the VENGEANCE of the state, of the messengers of wrath, of devastation, famine, and every concomitant horror? This British General however declares himself a serious, good believer, and stakes a parade of his *confessions of Christianity,*

sity, and his Royal Master's clemency. The story of the Prophet *Elisa* and *Hazaël* must surely have affected him. "And Hazaël said, " Why weepeth my Lord ? And he answered, Because I know the evil that thou will do unto the children of Israel : their strong bolds wilt thou set on fire, and their young men wilt thou slay with the sword, and will dash their children, and rip up their women with child. And Hazaël said, " But what, is thy servant a dog, that he should do this great thing ?" II Kings, chap. viii. v. 12, 13."

If Mr. Burgoyne is to be tried by his own declarations in the speech of Feb. 27, 1775, let him furnish the evidence. He says, " Let a persuasion uniformly prevail, that upon a review of our conduct hereafter, by our dispassionate and impartial countrymen, our bravery will be judged by the test of our compassion." The public have a just claim on him in a case where the national honour is so deeply interested. Why is his justification delayed ? He knew the suspicions which were gone abroad even in

1775. In that famous speech, he says, "in some of the licentious prints of the times there have not been wanting *suggestions* to the public, that a sanguinary minister had chosen the generals best fitted by their inclinations to carry havock and destruction through the continent of America." The general was certainly well grounded in the fact, and the *suggestions* were thought to arise from the cruel outrages at *Preston*, of which he was judicially convicted. His situation in 1775 was essentially different from that in 1777. He declared to the House of Commons in February 1775, "it might be thought that I sought the situation in which I am going to be employed. I publicly declare I did not seek it," but Jan. 1, 1777, he writes, "I humbly laid myself at his Majesty's feet for such *active employment* as he might think me worthy of." The fact cannot be controverted, that Sir Guy Carleton's military command was in 1777 *confined* to the boundaries of the Province of Quebec; and even General Burgoyne, in the speech of May 26, 1778, men-

tions “*the disappointment of Sir Guy Carleton, in not being employed to conduct the campaign of 1777.*” General Burgoyne was commander in chief the last campaign in North America. It becomes him to justify his conduct against the declaration of Congress of May 9, 1778. “*The course of their armies is marked by rapine and devastation. Thousands, without distinction of age or sex, have been driven from their peaceful abodes, to encounter the rigours of inclement seasons; and the face of heaven hath been insulted by the wanton conflagration of defenceless towns. Their victories have been followed by the cool murder of men no longer able to resist; and those who escaped from the first act of carnage, have been exposed by cold, hunger, and nakedness, to wear out a miserable existence in the tedious hours of confinement, or to become the destroyers of their countrymen, of their friends, perhaps, dreadful idea! of their parents or children, &c. &c.*” The papers, which General Burgoyne says, are now in possession of the Secretary of State, page

2 of the speech on May 26, 1778, will undoubtedly be a full answer to the *Congress*, for it is impossible to conceive that the General should be the only Englishman, who did not feel the force of his own beautiful words in the speech of Feb. 27, 1775,
 "There is a charm in the very wanderings
 " and dreams of *Liberty*, that disarms an
 " Englishman's anger."

When General Burgoyne declares, "I
 " cannot but *lament* he [Lord George Ger-
 " maine] did not *produce* other letters of
 " *mine*," the General's *lamentations* cannot
 be very sincere, for he may *produce* his
 own letters when he pleases. He says,
 "in regard to the *report* made, by myself, I
 " *acquit* the King's Ministers of any blame
 " in not yet having made it public, because it
 " was so voluminous that the *papers* could
 " not be *digested* and copied, with the con-
 " stant labour of three clerks, before last
 Saturday [May 23.] when they were put
 " into the hands of a noble Lord, secretary
 " of state for the American department.
 " But I trust that noble Lord will now do

"no time to make public matters of such importance." Lord George Germaine has not yet made public matters of this importance, which we find were digested, and delivered to him so long ago as the 23d of May. The suspicion is that he never will; but why does the General delay his justification? He ought to account to the nation for the loss of an entire British army, which he commanded, in a country which he knew, where he had served the preceding year. The command was warmly solicited, and he succeeded, to the *disappointment* of that brave and experienced officer, the gallant defender of Quebec, Sir Guy Carleton, who nobly gave him every kind of assistance. The plan of the campaign he had settled with the King in his ~~closet~~. His *requisitions* had in many instances been exceeded; the 8,000 regulars, rank and file, the immense artillery, the corps of watermen, the 2,000 Canadians, the 1,000 or more *savages*, &c. &c. &c. Let him then give solid reasons for the national disappointment, and he will more than stand excused. The same

tender

tender compassion and pity, which James II. experienced from the generous English, when he was brought back to Whitehall from Rochester, and General Burgoyne found from the Americans after the capitulation at Saratoga to the hour of his embarkation for Europe, will infallibly be the never-failing attendants on his cause in England. Let him plead to the jurisdiction of the *public*, and not lose himself in silly complaints of being *debarred*, by an interdiction, from the presence of his *Sovereign*, page 27. He ought to dread the King's closet. Is there any one of the present Ministers would trust himself there, with only the Sovereign, on any important business? Poor Yorke! *He was a man of spirit, for he had a quick sense of shame, and death has redeemed his character.* General Burgoyne ought to have foreseen, that, if he was unsuccessful, although he had exactly fulfilled all the parts of his duty, he would experience every kind of bad treatment and *injury* from the most treacherous court and administration in Europe. He says, that "he is an "*injured individual*," and, "that he appre-

"hends he is a marked *victim* to bear the
 "sins that do not belong to him," page 42.
 Let him prove this, and the justice of the
 people will be his shield. They will never
 suffer him to be a *victim* for ~~obedience to orders~~
 from a man, who ought long ago to have
 been a *victim* to military justice for ~~disobe-~~
~~dience of orders~~; a man reprobated by all
 the good and brave in Christendom, but
 whom his *King delighted to honour*. The
 nation ought to judge. In the two speeches
 of last May to a venal majority in the House
 of Commons, he did not succeed in any one
 circumstance. Let him now appeal to the
 public, or return to America, to abide, as he
 says, *the common fate of his brethren in the army*;
 and there let him endeavour to alleviate
 the miseries of the meritorious soldier.

It becomes daily more important for the General to justify himself under the strong accusations of the Americans, which are renewed on every occasion. In a printed letter of Samuel Adams, Esq; as it is said, to the British commissioners, is the following passage, "You
 "have told the Congress, if after the time that

"may be necessary to consider this communication
 "and transmit your answer, the horrors and de-
 "vastations of war should continue, we call God
 "and the world to witness, that the evils, which
 "must follow, are not to be imputed to Great
 "Britain. I wish you had spared your protes-
 "tation. Matters of this kind may appear
 "to you in a trivial light, as mere orna-
 "mental flowers of rhetoric, but they are
 "serious things registered in the high Chan-
 "cery of Heaven. Remember the awful
 "abuse of words like those by General Burgoyne,
 "and remember his fate." page 305. In
 Congress Jan. 8, 1778, it was "Resolv-
 "ed, that the charge made by Lieutenant
 General Burgoyne in his letter to Major
 General Gates of the 14th of November,
 "of a breach of public faith, on the part of
 these States, is not warranted by the just
 construction of any article of the conven-
 tion of Saratoga; that it is a strong indi-
 cation of his intentions, and affords just
 ground of fear, that he will avail himself
 "of the convention in order to disengage himself
 "and the army under him, of the obliga-

"*tion they are under to these United States,
and that the security which these States
have had in his personal honour, is hereby
destroyed.*" American Remembrancer, Vol.
VI. p. 64. The committee of the Con-
gress state this charge in very remarkable
terms, "this charge of a breach of *public*
faith, is of a most serious nature, pregnant
with alarming consequences, and deserves
greater attention, as it is not dropped in a
hasty expression, dictated by sudden pas-
sion, but is delivered, as a deliberate act
of judgment committed to writing, and
sent to the General with whom he made
the convention; and if credit is to be given
to General Burgoyne's account of himself
in his letter to General Heath of the 25th
of November, he cannot be considered of
so light a character, as to have acted in a
serious matter of state upon a sudden impres-
sion." General Burgoyne in his dispatch
to the President of the Congress from Cam-
bridge, Feb. 11, 1778, says, "I trust
no words of so harsh a nature as to imply a
distrust of my *personal honour* will be suf-
fered

"ffered to remain in the Journals of Congress." Will the General for his own sake inform the public whether *words of so harsh a nature do remain in the Journals of the Congress*; and for the sake of his countrymen will he tell the nation, what has been done in consequence of a resolution of Congress so long ago as Jan. 8, 1778, "that the embarkation of Lieutenant General Burgoyne, and the army under his command, be suspended till a distinct and explicit ratification of the convention at Saratoga shall be properly ratified by the court of Great Britain to Congress?" It is to be feared, that by the *proclamation* General Burgoyne, to use his own words, *contracts a stain that can never be wiped away.* Trial of Col. Henley, page 69. In another debate Mr. Wilkes hinted at the only possible apology for the General, "Burgoyne's barbarous proclamation appears now to be only a consequence of his sanguinary instructions," Almon's Parliamentary Register, Vol. VIII. page 429. It is impossible that a man of true bravery, like General Burgoyne, can be

in his nature cruel. To avoid an *information ex officio*, to be filed by a Scottish Attorney General, and tried by a Scottish Chief Justice, I shall give my opinion in the cautious words of General Burgoyne in his last publication, "I shall only remark, how little the excuse would benefit Colonel Henley, *who would still remain a cruel agent of—* (I will use no improper terms.)" Trial of Colonel Henley, page 64.

General Burgoyne in the "Speeches," pages 8, 9, and 10, justifies very fully from a military necessity the setting fire at Saratoga to a dwelling-house, store-houses, saw-mills, &c. of General Schuyler, and concludes, "In this General's house I remained during my whole stay at Albany, with a table of more than 20 covers for me and my friends, and every possible demonstration of hospitality: a situation, painful it is true in point of sensibility at the time, but which I now contemplate with some satisfaction, as carrying undeniable testimony how little I deserved the charges of the honourable gentleman, [Mr. Wilkes] and

" and I leave it to his feelings, whether,
 " after this explanation, some *further apology*
 " is not due to me." It does not appear
 that Mr. Wilkes has yet made any kind of
apology to Mr. Burgoyne. Surely it cannot
 be deemed an *apology* what is said in the
 " Speeches," page 3, " I agree with the
 " honourable gentleman, who seconded the
 " motion, that all the conduct respecting
 " the *Indian* nations is a matter that ought
 " to be thoroughly canvassed ; and I look,
 " upon his calling upon me openly, and in
 " my place, as some reparation for the very
 " free, and not very generous comments he
 " made upon my conduct in my absence."
 Does an English Senator stand in need of
 any *apology* for *making very free comments*,
on the conduct of a General, or Admiral, who
 may be absent from necessity, or design, for
 many years together ? It is certain that Mr.
 Wilkes has not to this moment made the
 least *apology* to Mr. Burgoyne, but I hold it as
 certain that he will, when he shall be shewn
 to have made any false, or *not very generous*,
comments on the conduct of that General, when
 the facts alluded to have been disproved.

Since

Since administration have not laid before Parliament "such papers as are now in possession of the Secretary of State," page 2, of the "Speeches," why does not General Burgoyne publish them? He says, "those papers are of the utmost importance to the State, to Parliament, and to the public," page 3. How can he assert that "a parliamentary investigation is the only possible means of justification that remains," page 28, when the freedom of the press still exists? He may appeal to the most impartial, and awful, of all tribunals, to the public. His publications are unfair. A letter of General Washington, which is perhaps the finest composition of the age, we have first published by Mr. Burgoyne; but his letter, to which the other is an answer, does not appear. Too much cannot be said in praise of Mr. Washington, the best patriot, and most notorious hero of our times; but it is impossible, from some expressions of the American general, not to suspect that the first letter, which drew forth the polite answer, contained fulsome, surfeiting compliments, similar to those, which in General

General Burgoyne's letter to Lord George Germaine of Jan. 1, 1777, are prostituted on one of the greatest state criminals. It was treachery in Lord George, on no ground of necessity, or personal justification, to give the House of Commons that private, confidential letter. His excuse in Parliament, that *it slipped in by accident among the official papers*, no man believes. Such an apology is an insult. The *author* of the letter, however, is unpardonable.

It may perhaps be amusing to consider the different portraits drawn of General Burgoyne in Europe and America. That of the great master *Jenius* is highly finished, but not a very beautiful picture. "No man is more tender of his reputation. He is not only nice, but perfectly sore in every thing that touches his honour. If any man, for example, were to accuse him of taking his stand at a gaming-table, and watching with the soberest attention, for a fair opportunity of engaging a drunken young nobleman at piquet, he would undoubtedly consider it as an infamous aspersion upon

" upon his character, and resent it like a
 " man of honour. — Acquitting him there-
 " fore of drawing a regular and splendid
 " subsistence from any unworthy practices,
 " either in his own house or elsewhere, let
 " me ask your grace, (*the Duke of Grafton,*
 " *the profligate Minister of 1769*) for what
 " military merits you have been pleased to
 " reward him with military government?
 " He had a regiment of dragoons, which
 " one would imagine, was at least an equi-
 " valent for any services he ever performed.
 " Besides, he is but a young officer consider-
 " ing his preferment, and, except in his ac-
 " tivity at Preston, not very conspicuous in his
 " profession. But it seems the sale of a ci-
 " vil employment was not sufficient, and
 " military governments, which were intend-
 " ed for the support of worn-out veterans,
 " must be thrown into the scale, to defray
 " the extensive bribery of a contested elec-
 " tion." Vol. II. page 24. Mr. Burgoynes
 says in the speeches, page 41, " that I think
 " myself a persecuted man, I avow." It was
 not at least at that time, nor by the Duke

of Grafton, nor Lord Mansfield, that he was persecuted. For the military outrages at Preston he was only fined by Lord Mansfield 1000*l.* *not imprisoned*, as General Smith was for inferior crimes at an election, and the Duke of Grafton gave him, as an indemnification, by order of the King, the 3500*l.* for which he sold a patent place to Mr. Hine, &c. &c. &c.

General Burgoyne's miniature of himself is a little different from the picture of Junius. He boasts of "a warm and unsuspicious heart," in page 18 of the speeches.

Monsieur St. Luc le Corne, the Canadian, now in the British service as a leader of the Indians, who had "been formerly instrumental in scalping many hundred British soldiers," Speeches, page 7, gives us a kind of skeleton, in political anatomy, of General Burgoyne, "il est brave, mais il est lourd comme un Allemand," "he is brave, but heavy as a German."—I hope he did not mean heavy as—I hope *Monsieur St. Luc L'Evangéliste* was a better painter than *Monsieur St. Luc le Corne*. Considered as

a por-

• a portrait, it is not a striking resemblance, for of two leading features the German likeness is mistaken.

William Tudor, Esq; the Judge Advocate on the trial of Colonel David Henley, shall be our other American Painter. He moulds beauties in wax, like his countrywoman, the celebrated Mrs. Wright.

“ The proceedings have acquired greater force from the *abilities* of the prosecutor [General Burgoyne] than from their real merits.”—Trial of Colonel Henley, page 139. “ It is now my duty to state the facts as they rise from the evidence, stripped of all that *incretitious* colouring which *common ingenuity and refined eloquence* have thrown upon it.—Insinuations of a general massacre have been dressed out in all the pomp which *Attic language* could give, and wanted only truth to have made it felt.—Page 140.” “ The General has argued with a *knowledge* and *ingenuity* that would do credit to the ablest of my profession, but the doctrine does not apply, because there is no proof, nor reason to suppose

"pose, that the Colonel [Henley] had given such orders, or used such influence, as to excite men to acts of violence.—His written orders indeed prove the direct contrary." page 143. "A cause supported by so able an advocate as General Burgoine." page 145.

Not only different *portraits*, but different *comparisons* have likewise been made of General *Burgoine*. There is however nothing so unlike as a modern comparison. Let us trace it only through three instances so frequently mentioned, the King, Lord Mansfield, and General *Burgoine*. The *Sovereign* is too often compared to *Charles I.* on account of that love of despotic power, and fatal obstinacy, which cost the second Stuart the loss of *all* his dominions, and his life. He consented however to the death of one man, *Lord Stafford*, with extreme reluctance, and regretted it publicly in his last moments. How does the resemblance hold with our present Sovereign? He has lost *only* thirteen provinces, and, thank God! is in perfect health. He has shewn

himself not only the *defender of our faith*, but likewise of our *liberties*, and given numberless proofs of the utmost readiness to comply with the wishes of his people, whom he tenderly loves. Did he testify the least weakness on the much lamented death of the late Chancellor *Yorke*? The Duke of Grafton has not yet forgotten the witty smile, or the memorable words, *My Lord, you may kill the next Percy yourself*; but when Junius says, “he had but that instant wiped the tears away, “which overcame Mr. Yorke,” does it appear that he shed any at the sad catastrophe of a man of honour from one unguarded hour at the Queen’s house alone with his Prince? No farther purpose remained to be answered by

Uberrimis semper lachrymis, semperque patratis

**In statione sua, atque expectantibus illum
Quo jubeat manare modo.**

JUVENAL.

But why are we to dwell on the circumstances of the death of any one man, when it is avowed that the lives of thousands of our fellow

fellow subjects are by a *stark unpathy* outweighed by ditty, yellow dross? What are the words of a speech from the Throne to the present Parliament, Oct. 27, 1775! “
 “ among the unavoidable ill consequences of
 “ this rebellion, none *affects me more sensibly*
 “ than the extraordinary burthen which it
 “ must create to my *faithful subjects*.” How
 many *faithful subjects* have lost their *lives*, as
 well as their *fortunes*, in this destructive
 quarrel, yet the loss of their *fortunes* is what
affects more sensibly? Jason sought the *golden*
fleece, and cared little for the sheep.

Lord Mansfield is likewise frequently compared to a former Chief Justice, Jeffreys. No two characters appear more dissimilar. Jeffreys was deeply concerned in all the arbitrary proceedings of the reign of James II. and distinguished for a hatred to *Justice*. Lord Mansfield has never been a political judge. He has with the utmost caution avoided appearing to take the least part in any measures of administration, which were not in the immediate line of his legal

department, as Chief Justice of the first court of criminal jurisdiction in the kingdom. His affection to *Juries* has been marked on every trial. He addresses the *twelve Jurymen* in the same mild manner his Majesty speaks to his *twelve children*. It was a regard to the honour and dignity of *Juries* made the noble Earl flush in the face, and cry out, *Pass him by*, when Mr. *Benson*'s name was called. His Lordship indeed assigned no reason, but it was well known that Mr. *Benson* had lately been refractory upon a former *Jury*, and even doubted of Lord Mansfield's law. This was certainly a reflection on the other eleven *Jurymen*, who resigned their right of private judgment to the court, and therefore his Lordship as usual, paid his court to the *Majority*.

General Burgoyne has also been compared to *Cæsar*, and others. A great writer says, "in his opinion General Burgoyne comes nearer to the character of *Alexander*, for *Alexander took the straight road to fame*, by braving misfortunes, difficulties, and dangers." General Burgoyne has undoubtedly

edly braved misfortunes, difficulties, and dangers, when he took the straight road not to fame—but to Saratoga—yet how can he be compared either to *Cæsar*, or *Alexander*? Those conquerors subdued the old world. General Burgoyne of the new world possessed not an acre, only the ground on which he stood, and in a more modest style than that of a saucy victor, asked permission to return from whence he came, on the express promise of coming back to America upon demand of the Congress, and of re-delivering up his person into their power. He has likewise been compared to General Othello, more speciously than solidly. After the pride and pomp of glorious war, both Generals have indeed appeared in all the pride and pomp of tragedy, and some passages have been similar, but on the whole the resemblance is faint. General Burgoyne talks of devastation, famine, and every concomitant horror. The style of General Othello is in the same spirit of meekness.

Abandon all remorse,
On horror's head horrors accumulate,
Do deeds to make heaven weep, all earth
amaz'd.

General Burgoyne speaks of the *messengers of wrath*, and of himself as *denouncing and executing the vengeance of the state*. *General Othello* is only more poetical.

Arise, black *vengeance*, from thy hollow hell.

These particulars may seem decisive, but it must be to a very superficial observer. Two other circumstances respecting the two Generals destroy all analogy. *General Burgoyne* is a fair-faced Christian. *General Othello* was a swarthy Pagan. *General Othello* says,

I've done the state some service, and they
know it,

but *General Burgoyne* will not assert that any man knows, *what service he has done the state*.

The answers given by *General Burgoyne* to the various charges brought against him, especially respecting the *Indians*, whose alliance he strongly recommended, and settled with the *King* in the closet, have not been sufficiently explicit or convincing. In Lord George Germaine's letter to General Carleton, dated Whitehall, March 26, 1777, it is said,

said, " As this plan cannot be advantageously executed without the assistance of Canadians and Indians, his Majesty strongly recommends it to your care, to furnish both expeditions with good and sufficient bodies of those men." Colonel Butler declares that " he distributed the King's bounty among the savages." The Congress only desired the neutrality of the savages. I am firmly persuaded, that General Burgoyne is, as he says, an *injured individual*, " Speeches," page 28, and that he has been ill used by his employers, from not having given that kind of satisfaction to them, which was expected of him. His situation is remarkable. Men, who justified and applauded the massacre in St. George's Fields, who skreened and pensioned the murderers of the freeholders at Brentford, think he has done *too little*, but the friends of freedom and humanity are of opinion he has done *too much*. The bludgeons of the mercenaries at Brentford, the tomahawks and scalping knives of our *Indian* allies in North America, will disgrace the history of this era. The fate

of Mr. Burgoyne has not been singular in this reign. He has been bargained for, cajoled, employed, disgraced, betrayed, and at last persecuted. A similar fate may perhaps await every man of high rank in the military line, who has engaged in the service of a despotic administration to carry on this unjust and barbarous civil war. I really believe that Mr. Burgoyne has beyond forgiveness offended both the King and Lord George Germaine, by not being sufficiently severe and vindictive on many occasions, by orders not savage enough to the *messengers of wrath*, the general's and King's *messengers*. When the late Lord Harcourt attended the levee after the gallant exploit of his son, Colonel Harcourt, in the making General Lot prisoner, the surrounding courtiers crowded on him, with their compliments, and the fond father expected from the Prince, as a perfect judge of military merit, a few words of congratulation. The King was silent. It was circulated in whispers, that the Sovereign had hinted a dissatisfaction to some of the King's friends, ready to applaud even such a sentiment,

sentiment, that Colonel Harcourt had not put General Lee to death. The father retired broken-hearted, and did not long survive.

As to the actual situation of Mr. Burgoynes, it is best stated in his own words, from a letter to the President of the Congress, dated Feb. 11, 1778: "I will return to America upon demand of the Congress; and, due notice given, re-deliver up my person into their power, and abide the common fate of my brethren in this army."

American Remembrancer, Vol. VI. p. 159.

This ruinous war in every point of view must strike us with horror. The fatal contest with our brethren in America, the descendants of Englishmen, recalls to my memory the beautiful words of Sabine, the wife of one of the Horatii, and the sister of the Curiatii, in the sublime Corneille,

*Albe, où j'ai commencé de respirer le jour,
Albe, mon cher pays, et mon premier amour,
Lorsqu'entre nous et toi je vois la guerre ouverte,*

Je crains notre victoire autant que notre perte.

HORACE.

Lately published,

THE
S P E E C H E S
O F
JOHN WILKES,

One of the Knights of the Shire for the
County of Middlesex,

In the Parliament appointed to meet at
Westminster the 29th Day of November
1774 to the Prorogation the 6th of June
1777.

With Notes by the EDITOR.

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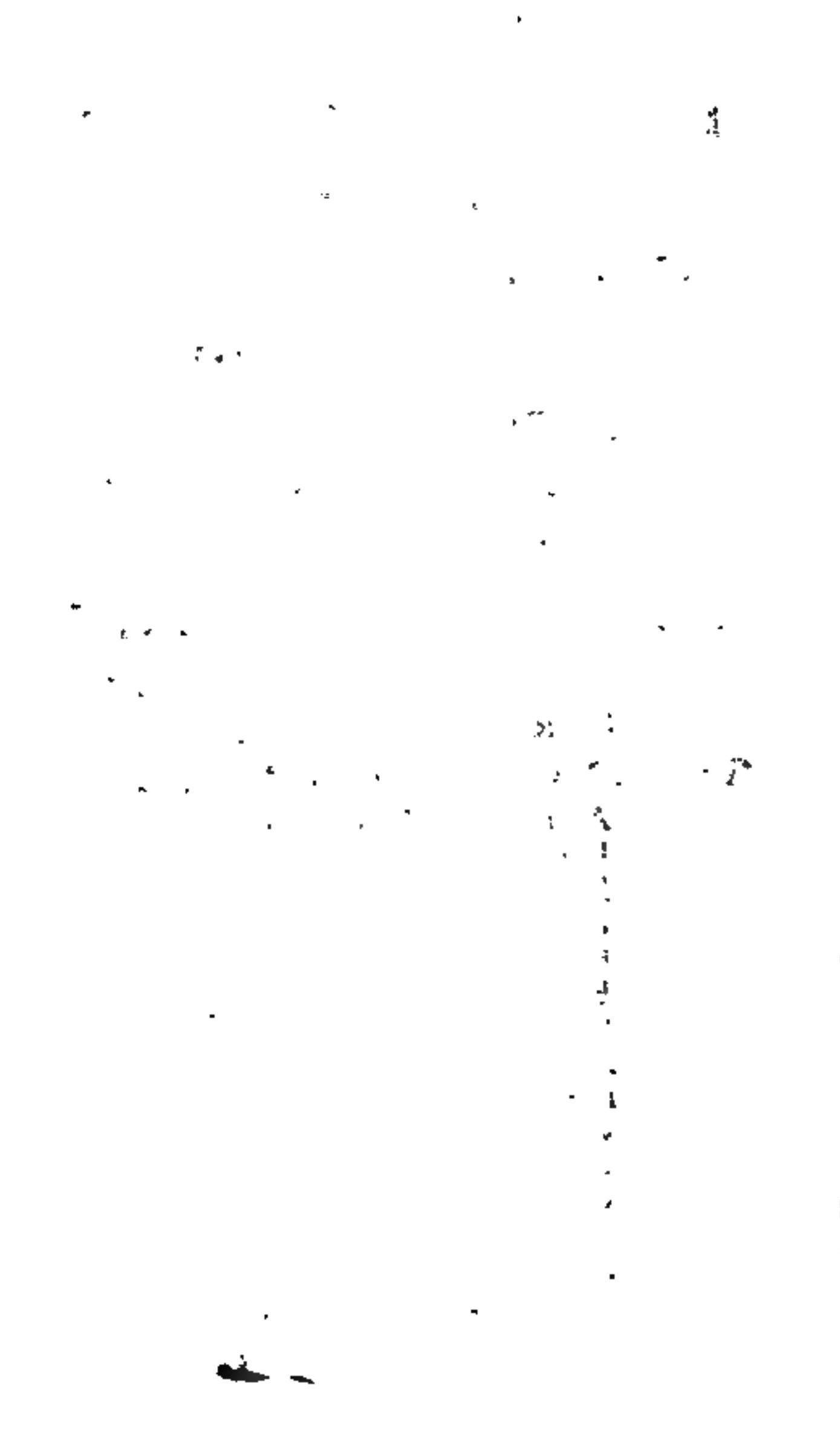
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APPENDIX.



A P P E N D I X.



P R O O F . S
OR THE
M A R R I A G E S
Of their Royal Highnesses
THE DUKES OF
GLOUCESTER AND CUMBERLAND.

(C O P Y.)

'At the Court at St. James's the 21st
Day of May, 1773.

P R E S E N T,
The KING's most Excellent MAJESTY
Archbishop of Canterbury
Lord Chancellor
Duke of Newcastle
Lord Chamberlain
Earl of Denbigh
Earl of Sandwich
Earl of Rochford
Earl of Dartmouth
Earl of Bristol
Viscount Townshend
Viscount Falmouth
Viscount Howe
Viscount Hinchingbrooke
Bishop of London.

MARRIAGE.

Order for the Archbishop of Canterbury; Lord Chancellor, and the Bishop of London, to enquire into the Legality of the Marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland.

W^E B^ER^EA^D

Application has been made to his Majesty, by his Royal Highness the Duke of Gloucester, requesting that his Majesty would be pleased to give such Directions as to his

Majesty shall seem meet, that the Marriage of his Royal Highness the Duke of Gloucester may be duly and properly authenticated, as the Time of the Delivery of the Duchess of Gloucester draws near. His Majesty having taken the same into his Royal Consideration, and being disposed to comply with his Royal Highness the Duke of Gloucester's Request, to cause his Royal Highness's said Marriage to be authenticated as soon as possible, is pleased, with the Advice of the Privy Council, to order (and it is hereby accordingly ordered) that the Most Reverend Father in God, Frederick, Lord Archbishop of Canterbury, the Right Honorable Henry, Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God Richard, Lord Bishop

Shop

ishop of London, do forthwith make Enquiry into the Legality of the said Marriage of his Royal Highness the Duke of Gloucester, and to certify to his Majesty at this Board their Opinion thereupon, together with the several Proofs of the said Marriage, in order that the same may be recorded in the Council Books.

AND his Majesty is also further pleased to order (as it is hereby accordingly ordered) that the Most Reverend Father in God Frederick, Lord Archbishop of Canterbury, the Right Honourable Henry, Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God, Richard, Lord Bishop of London, do also make the like Enquiry into the Legality of the Marriage of his Royal Highness the Duke of Cumberland, and do certify at the same Time to his Majesty at this Board their Opinion thereupon, together with the several Proofs of the said Marriage, in order that the same may be recorded in the Council Books.

The KING's most Excellent MAJESTY
in Council.

In Obedience to your Majesty's Command signified by your Order in Council, bearing

Date the twenty-first of this Instant, directing us forthwith to make Enquiry into the Legality of the Marriage of his Royal Highness the Duke of Gloucester, and to certify to your Majesty in Council our Opinion thereupon, together with the several Proofs of the said Marriage, in order that the same may be recorded in the Council Books; we did on the twenty-second of this Instant attend his Royal Highness the Duke of Gloucester, at Gloucester-House, at Seven o'Clock in the Afternoon, and do thereupon humbly report to your Majesty, that it does appear to us by the several Proofs which have been laid before us (which Proofs, in pursuance of your Majesty's said Order in Council, we have hereunto annexed) that a Marriage was solemnized on the sixth Day of September, One thousand seven hundred and sixty-six, between his said Royal Highness William Henry, Duke of Gloucester, and Maria, Countess Dowager of Waldegrave.

AND in further Obedience to your Majesty's said Order in Council of the twenty-first of this Instant, directing us to make the like Enquiry into the Legality of the Marriage of his Royal Highness the Duke of Cum-

Cumberland, and to certify at the same Time to your Majesty in Council our Opinion thereupon, together with the several Proofs of the said Marriage, in order that the same may be recorded in the Council Books; We did attend his Royal Highness the Duke of Cumberland at Cumberland-House, on the twenty-third of this Instant, at two o'Clock in the Afternoon; and do further humbly report to your Majesty, that it does appear to us, from the several Proofs which have been laid before us (which Proofs are also hereunto annexed) that a Marriage was solemnized between his said Royal Highness Henry Frederick, Duke of Cumberland, and the Honorable Anne Horton, Widow, on the second Day of October, One thousand seven hundred and seventy-one.

(Sign'd)

May 26,
1773.

FRED. Cant.

APSLY, C.

RIC. London.

At Gloucester House.**Saturday the 22d of May, 1773.****Seven in the Evening.**

His Majesty having been pleased by his Order in Council of Yesterday's Date, specially to appoint the Most Reverend Father in God, Frederick, Lord Archbishop of Canterbury, the Right Honorable Henry, Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God, Richard, Lord Bishop of London, forthwith to make Enquiry into the Legality of the Marriage of his Royal Highness the Duke of Gloucester, and to certify to his Majesty in Council their Opinion thereupon, together with the several Proofs of the said Marriage; Their Lordships did this Afternoon attend his Royal Highness at Gloucester House, at Seven o'Clock; and his Royal Highness being asked several Questions by their Lordships, he gave Answer and signed a Declaration thereof in Writing, and deposed the same upon Oath as followeth:

I WILL.

I WILLIAM HENRY, Duke of Gloucester, do declare most solemnly, that I was married to Maria, Countess Dowager of Waldegrave, on the Sixth of September, One thousand seven hundred and sixty-six, between the Hours of Seven and Nine, in the Evening, at her House in Pall-mall, by Robert Morton (since deceased,) one of her domestic Chaplains, according to the Form of the Church of England ; and that no other Person was present.

(Sign'd)

WILLIAM HENRY.

SEVERAL Questions being likewise put to Her Royal Highness the Dutchess of Gloucester by their Lordships ; She gave Answer, and signed a Declaration thereof in Writing, and depos'd the same upon Oath as followeth :

I MARIA, Dutchess of Gloucester, do solemnly declare that I was married to his Royal Highness William Henry, Duke of Gloucester, on the Sixth of September, One thousand Seven hundred and sixty-six, at my

House in Pall-mall, between the Hours of Seven and Nine in the Evening, by Robert Morton (since deceased,) one of my Domestic Chaplains, according to the Forms and Ceremonies of the Church of England: no other Person being present.

(Sign'd) MARIA.

CHARLES RAINSFORD, Lieutenant Colonel in the Coldstream Regiment of Foot Guards doth depose upon his Oath, and saith, that his Royal Highness the Duke of Gloucester did, on Saturday the Nineteenth of October, One thousand Seven hundred and seventy-one, at Leghorn, declare, supposing himself to be upon his Death-bed, that he was married to Maria, Countess Dowager of Waldegrave, with Orders in case of his Death to go immediately to England, and communicate the said Marriage to his Majesty.

(Sign'd)

CHARLES RAINSFORD.

FREDERICK, Lord Bishop of Exeter, doth depose upon his Oath and declare, that on Sunday, March the First, One thousand se-

ven

Year hundred and seventy-two, he was induced to ask Lady Waldegrave, whether she was married to his Royal Highness the Duke of Gloucester? She acknowledged to the said Lord Bishop of Exeter, that she was married to his Royal Highness the Duke of Gloucester, at her House in Pall-mall, on the Sixth of September, One thousand seven hundred and sixty-six, between the Hours of Seven and Nine in the Evening. But immediately upon her acknowledging her Marriage she expressing great Anxiety of Mind, declaring she had promised his Royal Highness the Duke, never to reveal her Marriage till she had his Approbation for so doing; and on the twenty-fourth of the same Month of March, she told the said Lord Bishop of Exeter that she was married by Mr. Morton (since deceased) whom the Bishop knew to be one of her domestic Chaplains; and that there were no Witnesses present.

(Sign'd)

F. EXETER.

IT appearing by the aforesaid Declarations of their Royal Highnesses the Duke and Duchess

Duchess of Gloucester, that the Clergyman who performed the Marriage Ceremony was deceased, and that no other Person was present at the Marriage, the Archbishop of Canterbury, the Lord Chancellor, and the Bishop of London thought it adviseable to take the two foregoing Depositions of Lieutenant Colonel Charles Rainsford, and of Frederick, Lord Bishop of Exeter as a Confirmation of the above Declarations of their Royal Highnesses the Duke and Duchess of Gloucester.

At Cumberland House.

Sunday the 23d of May, 1773.

Two in the Afternoon.

His Majesty having been pleased by his Order in Council of the twenty-first of this Instant, specially to appoint the Most Reverend Father in God, Frederick, Lord Archbishop of Canterbury, the Right Honorable Henry, Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God, Richard, Lord Bishop of London, forthwith to make Enquiry into the Legality

Legality of the Marriage of his Royal Highness the Duke of Cumberland, and to certify to his Majesty in Council their Opinion thereupon, together with the several Proofs of the said Marriage; Their Lordships did this Afternoon attend his Royal Highness at Cumberland House, at two o'Clock, and his Royal Highness being asked several Questions by their Lordships, he gave Answer, and signed a Declaration thereof, in Writing, and depos'd the same upon Oath as followeth:

I HENRY FREDERICK, Duke of Cumberland, do solemnly declare, that I was married to the Honourable Anne Horton, Widow, on the second Day of October, One thousand seven hundred and seventy-one, in the Afternoon, between the Hours of Six and Eight, at her House in Hertford-street, by William Stevens, Clerk, Fellow of St. John's College in Cambridge, according to the Rites and Ceremonies of the Church of England, in the Presence of the Honorable Miss Elizabeth Luttrell: no other Person being present.

(Sign'd)

HENRY.

SEVR.

SEVERAL Questions being likewise put to her Royal Highness the Duchess of Cambridge by their Lordships; She gave Answer and signed a Declaration thereof in Writing, and deposeth the same upon Oath as followeth:

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e th:
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t, at

first, by William Stevens, Clerk, Fellow of St. John's College in Cambridge, according to the Rites and Ceremonies of the Church of England, in the Presence of the Honorable Miss Elizabeth Luttrell: no other Person being present,

(Sign'd)

ANNE.

WILLIAM STEVENS, Clerk, Fellow of St. John's College in Cambridge, doth depose upon his Oath, that he did on the second Day of October, One thousand seven hundred and seventy-one, marry his Royal

Highness

Highness Henry Frederick, Duke of Cumberland, to the Honorable Anne Horton, between the Hours of Six and Eight in the Afternoon, at her House in Hertford-street, according to the Rites and Ceremonies of the Church of England, in the Presence of the Honorable Miss Elizabeth Luttrell: no other Person being present. And did immediately after the Ceremony performed make a Memorandum thereof, which was signed by all the Parties, and has ever since been in his Custody, and now produces the same.

(Sign'd) WILLIAM STEVENS.

The Honorable Elizabeth Luttrell doth upon her Oath depose, that she was present on the second Day of October, One thousand seven hundred and seventy-one, between the Hours of Six and Eight in the Evening, when the marriage Ceremony was performed between his Royal Highness Henry Frederick, Duke of Cumberland, and the Honorable Anne Horton, at her House in Hertford-street, by Mr. Stevens, according to the Rites and Ceremonies of the Church of England: no other Person being present.

(Sign'd) ELIZABETH LUTTRELL.

A Marriage was solemnized this second
 1771. Day of October, between us Henry
 Frederick, Anne Horton, by me
 William Stevens, Fellow of St. John's Col-
 lege, Cambridge, in the Presence of Eliza-
 beth Luttrell,

I the underwritten Stephen Cottrell, one
 of the Clerks of his Majesty's Most Honor-
 able Privy Council, do hereby certify that the
 above Memorandum of the Marriage of their
 Royal Highnesses the Duke and Duchess of
 Cumberland, is the Memorandum produced
 by William Stevens, Clerk (the Minister who
 performed the Office of Marriage between
 their said Royal Highnesses) and was deliver-
 ed by the said William Stevens, this 23d
 Day of May, 1773, as referred to in his De-
 position.

(Sign'd)

STEPHEN COTTRELL. (L.S.)

At

At the Court at St. James's the 26th
Day of May, 1773.

P R E S E N T,

The KING's most Excelleat MAJESTY

Archbishop of Canterbury
 Lord Chancellor
 Duke of Ancaster
 Lord Chamberlain
 Earl of Denbigh
 Earl of Sandwich
 Earl of Rochford
 Earl of Marchmont
 Earl of Dartmouth
 Earl of Bristol
 Viscount Townshend
 Viscount Falmouth
 Viscount Clare
 Viscount Hinchinbrook
 Lord North
 Bishop of London
 Lord Edgcumbe
 Lord Hyde
 James Stuart Mackenzie, Esq;
 Wellbore Ellis, Esq;
 Sir Gilbert Elliot
 Richard Rigby, Esq;
 Sir Lawrence Dundas.

MARRIAGE.

Order directing the Whole of the Proceedings touching the Enquiry into the Marriages of the Dukes of Gloucester and Cumberland, to be entered in the Council Books.

THE B C R E A S
there was this Day
read at the Board, a Report
from the Most Reverend
Father in God, Frederick,
Lord Archbishop of Canter-
bury, the Right Honorable
Henry, Lord Apsley, Lord

High Chancellor of Great Britain, and the Right Reverend Father in God, Richard, Lord Bishop of London, upon Enquiry by them made (in pursuance of his Majesty's Order in Council, bearing Date the twenty-first of this Instant), into the Legality of the Marriage of his Royal Highness the Duke of Gloucester; and likewise into the Legality of the Marriage of his Royal Highness the Duke of Cumberland, which Report is in the Words following :

* To the KING's most Excellent MAJESTY in Council.

" IN Obedience to your Majesty's Commands, signified by your Order in Council, bearing Date the twenty-first of this Instant, directing us forthwith to make Enquiry

" Enquiry into the Legality of the Marriage
 " of his Royal Highness the Duke of
 " Gloucester, and to certify to your Majesty
 " in Council our Opinion thereupon, to-
 " gether with the several Proofs of the said
 " Marriage, in order that the same may be
 " recorded in the Council Books; we did
 " on the twenty-second of this Instant attend
 " his Royal Highness the Duke of Glou-
 " cester, at Gloucester-House, at Seven
 " o'Clock in the Afternoon, and do there-
 " upon humbly report to your Majesty, that
 " it does appear to us by the several Proofs
 " which have been laid before us . (which
 " Proofs, in pursuance of your Majesty's said
 " Order in Council, we have hereunto an-
 " nexed) that a Marriage was solemnized
 " on the sixth Day of September, One
 " thousand seven hundred and sixty-six, be-
 " tween his said Royal Highness William
 " Henry, Duke of Gloucester, and Maria,
 " Countess Dowager of Waldegrave.

" AND in further Obedience to your
 " Majesty's said Order in Council of the
 " twenty-first of this Instant, directing us
 " to make the like Enquiry into the Lega-
 " lity of the Marriage of his Royal High-
 " ness the Duke of Cumberland, and to

" certify at the same Time to your Ma-
 " jesty in Council our Opinion thereupon,
 " together with the several Proofs of the
 " said Marriage, in order that the same
 " may be recorded in the Council Books ;
 " We did attend his Royal Highness the
 " Duke of Cumberland at Cumberland
 " House, on the twenty-third of this In-
 " stant, at two o'Clock in the Afternoon ;
 " and do further humbly report to your
 " Majesty, that it does appear to us, from
 " the several Proofs which have been laid
 " before us (which Proofs are also here-
 " unto annexed) that a Marriage was solem-
 " nized between his said Royal Highness
 " Henry Frederick, Duke of Cumberland,
 " and the Honorable Anne Horton, Wi-
 " dow, on the second Day of October,
 " One thousand seven hundred and seventy-
 " one.

" (Sign'd)

May 26,
1773.

" FRED. Cant.

" APSEY, C.

" Ric. London."

His Majesty having taken the said Report into Consideration ; and the several Declarations, Depositions, and Proofs of the said Marriages of their Royal Highnesses having been read in Council, was pleased, with the Advice of his Privy Council, to order that the said Report of the Most Reverend Father in God, Frederick, Lord Archbishop of Canterbury, the Right Honorable Henry, Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God, Richard, Lord Bishop of London, together with the Whole of their Proceedings in making the aforesaid Enquiry into the Legality of the said Marriages, and the several Declarations, Depositions, and Proofs of the same, be entered and recorded in the Books of the Council Office.

(Council
Book, folio
297.)

Whitehall Council Office, 27
May, 1773. Half past 12
o'Clock.

SIR,

MARRIAGE.
Letter, transmitting
Copy of the Whole
of the above Pro-
ceedings to the Duke
of Gloucester.

I am ordered by the
Lords of the Council to
transmit the inclosed Packet
to his Royal Highness the
Duke of Gloucester; and
am to desire that you will be pleased to pre-
sent the same to his Royal Highness accord-
ingly.

I have the Honor to be, &c.

(Sign'd) STEPH. CORNWALLIS.

To
Lieut. Colonel Charles Rainsford,
at Gloucester House.

MEMOR-

(Folio 203.) MEMORANDUM. The Papers contained in the above-mentioned Packet to his Royal Highness the Duke of Gloucester, were a Duplicate of his Majesty's Order in Council, of the 21st of this Instant, directing the Archbishop of Canterbury, the Lord Chancellor, and the Bishop of London, to make Enquiry into the Legality of the Marriages of their Royal Highnesses the Duke of Gloucester and the Duke of Cumberland; A Copy of their Lordships Report in pursuance of the said Order; A Copy of the Proceedings at Gloucester House and Cumberland House; and likewise a Duplicate of the foregoing Order of his Majesty in Council, of the 26th of this Instant, directing the Whole of the said Proceedings, to be entered and recorded in the Books of the Council Office.

MARRIAGE. LIKE Letter with the
 Letter transmitting aforegoing was sent to
 a Copy of the Whole
 of the above Pro- Lieut. Col. Deaken at
 ceedings to the Duke Cumberland House, with
 of Cumberland.

a Packet for his Royal
 Highness the Duke of Cumberland, contain-
 ing the same Papers with those in the afore-
 mentioned Packet to his Royal Highness the
 Duke of Gloucester.

A TRUE Copy from the Original Papers
 and Minutes, preserved in the Council Book,
 Whitehall, (beginning 1st Jan. 1773, and
 ending 29th April, 1774, indorsed Geo. III.
 № 10.) examined in the Presence of his
 Royal Highness the Duke of Gloucester,
 who acknowledged the Signature to his own
 Declaration. And the Rev. Mr. Philip Du-
 val attending at this Examination, and view-
 ing the several Signatures, did declare, that
 he was present and did see their Royal High-
 nesses, the Dukes and Duchesses of Glou-
 cester and Cumberland, the Bishop of Exe-
 ter, Charles Rainsford, Esq; the Rev. Mr.

William

William Stevens, and the Honorable Miss Elizabeth Luttrell, sign the said original Papers, to which their Names are respectively subscribed. The Whole examined by me, and signed at the Bottom of each Page, with the Initials of my Name and Office, this 10th Day of April, 1775.

(Sign'd)

ISAAC HEARD, Norroy.

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The Preceding, from Page i to Page xxv,
inclusively, is faithfully copied from the
Register, 5 D. 14, in the College of Arms,
this 22d of October, 1778, by

FRA^S. TOWNSEND,
Rouge-Croix, in Waiting.

His

His Royal Highness V

William Henry, third Son of late Prince of WALES, and AUGUSTA, of WALES, and Brother to his pre^r born 14 Nov. 1743, in L. House, in ty of St. Anne, Westminster, and baptized Re- the said Month. Elected Knight of the Order of the Garter, 27 May, 1762. September following. Created by Pate Nov. 1764, Duke of Gloucester and E Great Britain ; and E. of Connaught & him and the Heirs Male of his Body.

I

Sophia Matilda, eldest Daughter of Gloucester House, in the Parish of St. Czed never-square, 29 May, 1773, baptizied following.

This Pedigree proved before the C

At the same Time delivered into the hands of the Marriages of their Royal Highnesses the Duke of Gloucester and Cumberland, which were in the Presence of his Royal Highness the Duke of York, at the Admiralty, with the Originals in the Books of the Admiralty Council, Whitehall.

ISAAC HILL

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